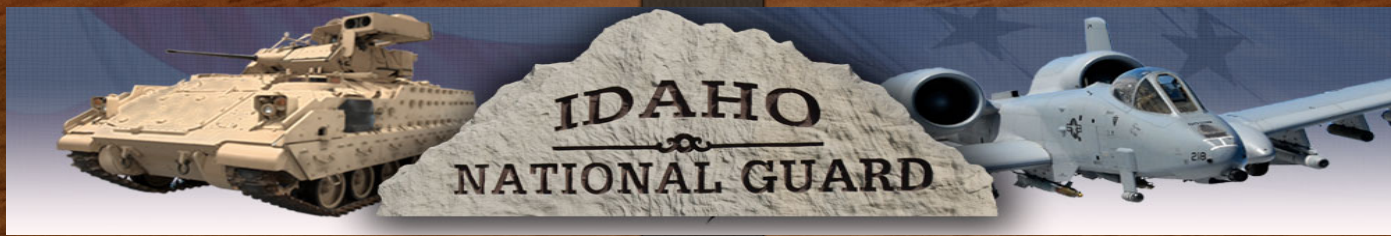


**Engaged leaders instill a sense of worth and belonging, create open lines of communication, are attentive to indicators of challenges and fully aware of all resources available.**

**- MG Michael Garshak**





# Supervisor's Training

Idaho National Guard  
Human Resources Office







# Welcome Supervisors

---

- Please be sure to sign-in on roll call sheet.
- Feedback is due on last day in order to receive certificate of completion – we value your opinions.
- Coffee is available.



# Housekeeping Information

---

- Courtesy:
  - Respect speakers – save sidebar conversations for later
  - Ask relevant questions
  - Be present and involved
  - Silence your phones
  - Leave work at work
  - Breaks are at instructor discretion
- Building Information:
  - Emergency Fire exits
  - Restrooms
  - Smoke Areas
  - Ground rules for meeting space
    - Food and Drinks (with lids) are allowed (if something spills clean it up)
    - Keep area/building clean





# Introductions

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- Name
- Work Center/Unit
- Status (AGR/Technician/T5/State)
- Length of time as a Supervisor
- Expectation(s) for the course



# Training Materials

---

- Supervisor Resource Guide
- MyBiz
- HRO website
  - Forms
  - Policies
  - Regs and Pubs
  - Supervisor Toolbox
    - Handouts
    - Templates & Examples
    - Technician Handbook
    - Other forms
  - HRO Sections





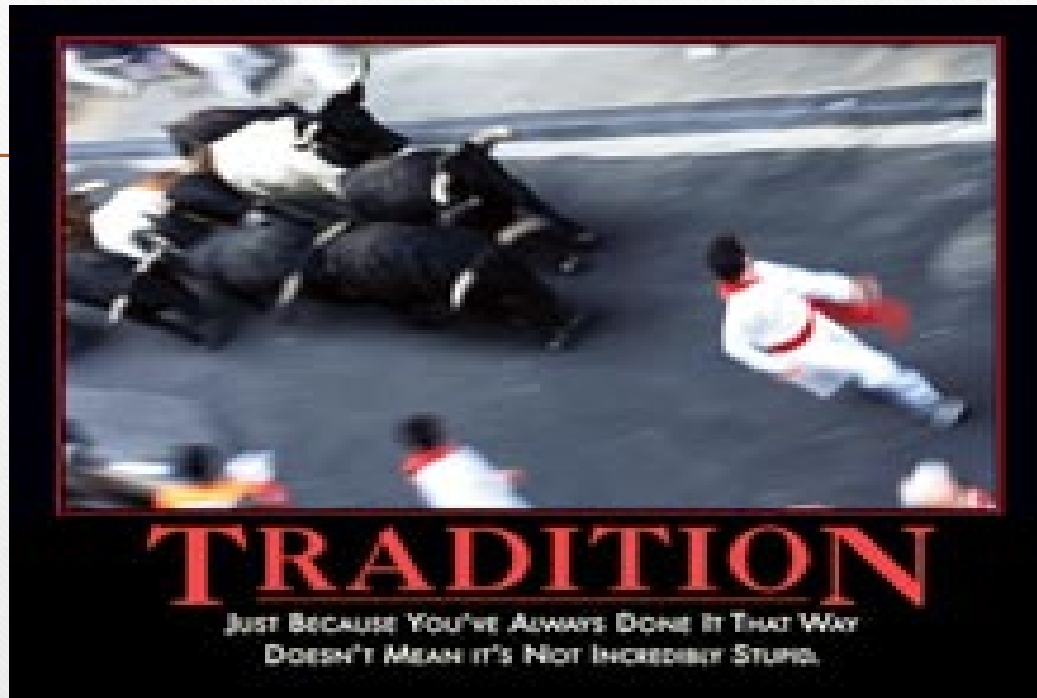
# Course Overview

---

- **Agenda (2 Days)**
  - Lots of information to deliver
  - Course is designed to help you figure out how to be a fantastic supervisor
  - Exercises/Handouts require involvement from participants
- **Scenarios/situations for learning**
  - Scenario based training—points of reference
  - Bring experience to the table – share best practices  
(Remember not to share Personal Identifiable Information)
  - We will provide you the tools to know what to do next



# Questions...



## TRADITION

Just because you've always done it that way  
doesn't mean it's not incredibly stupid.





# Idaho National Guard EEO



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## *Equal Employment Opportunity (EEO)-Civ*



---

*Proven, Vigilant...Ready!*



# EEO



**Albert Gomez**

State Equal Employment Manager (SEEM)

Army, Air, and State

272-4224



## Certified EEO Counselors



Aaron Blake

Gina Giddens

Scott Johnson

Richard Eisele

Eric Patton



## Certified EEO Investigators



DOD Investigation & Resolution Directorate  
(IRD)

*Proven, Vigilant...Ready!*





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# National Guard

## Civilian Discrimination Complaint System

- a. Equal Employment Opportunity (EEO) Management Directive for Title 29, Code of Federal Regulations, Part 1614, “Federal Sector Equal Employment Opportunity” or known as MD-110
- b. CNGBI 9601.01 dated 27 Sept 2015 rescinds NGR (AR) 690-600/NGR (AF) 40-1614 Vol I and Vol II dated 15 March 1993
- c. Applicability: Federal civilian employees, applicants for employment, as enacted in PL 114-328 (NDAA FY17)

## EQUAL EMPLOYMENT OPPORTUNITY (EEO)

---



**NO FEAR ACT: The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) became effective on October 1, 2003 (CIVILIAN EMPLOYEES)**

# DISCRIMINATION IS AGAINST THE LAW!

**F**or many Americans, the word "discrimination" has negative connotations. It often refers to the unfair treatment of people. But in the eyes of the law, discrimination is a different story. It's the unfair treatment of people based on certain characteristics that are protected by law. This includes race, color, religion, sex, age, disability, and national origin. Discrimination is against the law, and it's important to know your rights.

**Types of discrimination are against the law**

Discrimination is against the law in many different ways. Here are some of the most common types of discrimination that are illegal:

- Race and color:** It is illegal to discriminate against someone based on their race or color. This includes hiring, firing, promotion, and pay.
- Religion:** It is illegal to discriminate against someone based on their religion. This includes hiring, firing, promotion, and pay.
- Sex:** It is illegal to discriminate against someone based on their sex. This includes hiring, firing, promotion, and pay.
- Age:** It is illegal to discriminate against someone based on their age. This includes hiring, firing, promotion, and pay.
- Disability:** It is illegal to discriminate against someone based on their disability. This includes hiring, firing, promotion, and pay.
- National origin:** It is illegal to discriminate against someone based on their national origin. This includes hiring, firing, promotion, and pay.

**How can I file a discrimination complaint?**

If you believe you have been discriminated against, you can file a complaint with the Equal Employment Opportunity Commission (EEOC). The EEOC is a federal agency that is responsible for enforcing federal laws that prohibit discrimination. You can file a complaint with the EEOC either online or by mail. You will need to provide some information about the discrimination, such as the date, time, and place of the incident, and the name of the person who discriminated against you.

**What should the complaint include?**

The complaint should include the following information:

- Name and address:** Your name and address, and the name and address of the employer.
- Date of incident:** The date of the discrimination.
- Location:** The location of the discrimination.
- Description of incident:** A detailed description of the discrimination.
- Witnesses:** The names of any witnesses to the discrimination.
- Signature:** Your signature.

**What can I expect if I file a complaint?**

If you file a complaint with the EEOC, they will investigate the complaint. They will contact you and the employer to get more information. They will also try to mediate the dispute. If the EEOC finds that there was discrimination, they will try to get the employer to stop the discrimination and to pay you back pay and damages. If the EEOC does not find that there was discrimination, they will issue a "no cause" finding. You can still sue the employer if you receive a "no cause" finding.

**Know your rights!**

Discrimination is against the law, and it's important to know your rights. If you believe you have been discriminated against, you can file a complaint with the EEOC. The EEOC will investigate the complaint and try to get the employer to stop the discrimination and to pay you back pay and damages. If the EEOC does not find that there was discrimination, you can still sue the employer.



# Unlawful Discrimination

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# REPRISAL

All of the laws we enforce make it illegal to fire, demote, harass, or otherwise “**retaliate**” against people (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).

For example: it is illegal for an employer to refuse to promote an employee because he/she filed a charge of discrimination with the EEOC, even if EEOC later determined no discrimination occurred.





# EEO Program Purpose

---

**Resolution at the lowest level at earliest possible time**

- **Provide for prompt, fair & impartial processing/resolution**
- **Determine Validity and Merit thru fact-finding, inquiry & investigation**
- **Alternative Dispute Resolution (Mediation)**
- **Reasonable Accommodation (RA) Requests**
  - **Govt may provide RA based on appropriate requests**
  - **Supervisors participate in interactive RA request process**
  - **RA process begins as soon as employee/qualified applicant makes oral or written request for accommodation**
  - **RAs are meant to eliminate barriers in the work environment**

**Common types of RAs include modifying work schedules or supervisory methods, granting breaks or providing leave, altering how or when job duties are performed, removing and/or substituting a nonessential function, moving to different office space, providing telework, changing workplace policies, reconfiguring workspaces, providing accessible parking, etc...**

---

***Proven, Vigilant...Ready!***



# SEEM & EEO Counselors



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## ***SEEM***

- manages & directs the program through EEO counselors
- Manages the EEO complaint process and timelines

## ***EEO Counselors***

- Trained to advise and provide guidance on EEO matters
- A bridge between management and employees
- Attempt informal resolutions at the lowest level possible for all EEO complaints
- Neutral party





# EEO COUNSELOR RESPONSIBILITIES cont.

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Counseling the employee

Conducting an inquiry, not a formal investigation, into the alleged discrimination

Interviewing relevant parties (including supervisors and coworkers)

Reviewing evidence and obtaining facts

Meeting with the supervisor and complainant to attempt informal resolution of allegations of discrimination

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*Proven, Vigilant...Ready!*



# SUPERVISORY RESPONSIBILITIES

---



If an employee informs you that they wish to make a discrimination complaint (whether or not the complaint is about you), you should inform the employee that they must first meet with an EEO Counselor or SEEM.

An employee has the right to remain anonymous during the counseling stage of the complaint (this is also called the informal stage). So, if you are contacted by someone conducting an inquiry into an informal EEO complaint, you may not necessarily be informed of who has initiated the complaint.

The Counselor's role is to gather facts, conduct inquiries, and attempt to resolve the complaint at the lowest level. You must cooperate with the Counselor.

If the complaint cannot be resolved to the satisfaction of the complainant, then, and only then, will the complainant have the right to file a formal





# Informal (Pre-Complaint)

Technician has **45 days** to file an informal complaint with SEEM

SEEM assigns EEO Counselor if appropriate for processing. Counselor must be available and appointed within a few days following, such delay **not to exceed 5 days**

- Provides Complainant with
  - **Rights and Responsibilities** (in writing)
  - **Right to Anonymity** (available only at Informal level)
  - **Right to Representation** (legal counsel)
- Has **30 days** to conduct informal inquiry/informal resolution (60 extra days if ADR is used)

If resolution is not reached – “Formal” complaint may be filed (DD form 2655), Complaint of Discrimination in the Federal Government

NOTE 1: If the complainant has raised the matter **under negotiated grievance procedures** (29-CFR 1614.107(d)) the complaint will be dismissed.



# EMPLOYEE RIGHTS

## **(informal stage of complaint process)**

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Right to representation (or counsel). Note: The representative is not interviewed. He/she is there only to advise the complainant.

Confidentiality in the process, and anonymity (if requested) during the informal stage.

If employee is covered by a negotiated grievance procedure that permits allegations of discrimination, he/she has the option of electing the negotiated grievance procedure or the statutory discrimination complaint process, but not both. By filing a formal complaint or a written grievance, he/she has elected the forum in which they choose to pursue their issues.

Issuance of a “Notice of Final Interview” that terminates the informal process - if informal resolution has not been achieved. A formal complaint, if employee chooses to file one, must be filed within 15 calendar days from the date of their receipt of “Notice of Final Interview”.



# EEO FORMAL COMPLAINT PROCESSING

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- Complainant may file a formal complaint within 15 calendar days after receiving Notice of Right to File. Annotated on DD Form 2655
- Complaint Accepted & Investigated, partially dismissed & investigated or dismissed
- Dismissal in whole/part-Complainant appeal process applicable to EEOC or Office of Federal Operations (EEOC/OFO)
- ROI within 180 days to complainant from date of filling-Complainant has 30 days to elect Final Agency Decision or elect appeal from EEOC
- File a Civil Action Suit with U.S. District Court if applicable per MD110





# Scenario exercise...

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- Issue in workplace...
- Impact and time spent if don't address this
- What can and should you do? options, tools, regulations, ADR
- Having difficult conversations
- Resolving = Increased Productivity and Mission Accomplishment

Note: Number 1 complaint-Hazing and Bullying (Abuse of Authority/Hostile Work Environment)



# Questions?

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**Albert Gomez**  
State Equal Employment Manager  
Army, Air and State  
272-4224

---

*Proven, Vigilant...Ready!*

# Disclaimer

Some of the information discussed in the upcoming brief could be disturbing to some individuals. If you or someone you know has been a victim of sexual assault, and you feel like this brief will cause you to relive past experiences, please feel free to excuse yourself and speak with the SARC or a Victim Advocate.





# SAPR/SHARP Leader/Supervisor TRAINING

# References

- ▶ AR 600-20
- ▶ SAPRO FY 14
- ▶ Article 120 UCMJ
- ▶ ICMJ
- ▶ Applicable TAG Policy Letters



# Sexual Harassment



# Reporting

- ▶ National Guard complaints go to EO
- ▶ Protection from reprisal

# State Equal Employment Manager

- ▶ **SEEM – (208) 272-4224**

- ▶ Mr. Albert Gomez

- ▶ [albert.j.gomez2.civ@mail.mil](mailto:albert.j.gomez2.civ@mail.mil)



Take a Picture of  
this Slide!



# Sexual Assault

# Idaho Specific Information

- ▶ Mandatory Reporting State
- ▶ Local law enforcement is primary investigative agency



# SAPR/SHARP Contacts

## ▶ **IDNG 24 Hour Hotline – (208) 447-6166**

### ▶ **JFHQ SARC – (208) 272-4306**

- ▶ Sean Egbert
- ▶ [sean.t.egbert.mil@mail.mil](mailto:sean.t.egbert.mil@mail.mil)

### ▶ **JFHQ VAC – (208) 272-8400**

- ▶ Carl Hendricks
- ▶ [carl.p.hendricks.mil@mail.mil](mailto:carl.p.hendricks.mil@mail.mil)

### ▶ **Wing SARC – (208) 422-6373**

- ▶ Ms. Sharon Anderson
- ▶ [sharon.l.anderson42.civ@mail.mil](mailto:sharon.l.anderson42.civ@mail.mil)



Take a Picture of  
this Slide!

# SCENARIO 1



# SCENARIO 2



Questions?



# My Workplace/My Biz+ Overview



Idaho National Guard  
Human Resources Office



# How to Access MyBiz via the DCPDS Portal

## Temporary technicians can access MyBiz

<https://compo.dcpds.cpms.osd.mil/>

- Navigate to the DCPDS portal and login by clicking on Smart Card Access

The screenshot shows the DCPDS PORTAL website. The browser address bar displays <https://compo.dcpds.cpms.osd.mil/>. The page header includes navigation links: [Login Help](#), [Contact List](#), and [Frequently Asked Questions \(FAQ\)](#). The main content area is divided into two columns.

**Left Column:**

- News and Information**  
Last updated August 09, 2015 13:00 CDT
- MyBiz+ for Managers and Supervisors**  
MyBiz+ for Managers and Supervisors is now available. If you are a manager or supervisor, Login and select the MyTeam tile on the MyBiz+ homepage to discover the HR information available for your team.
- Important: As of Aug 2015, My Workplace will no longer be available to managers and supervisors.
- Component Help Desk Information**  
If you are having problems accessing this site, please select [Contact List](#) to locate and directly contact your Component Help Desk.  
For additional information, check out our [Frequently Asked Questions \(FAQ\)](#)

**Right Column:**

- Smart Card Access**  
Click the login button below and select your non-email digital certificate.  
[Smart Card Login](#)  
First time Smart Card (CAC) user? [Register Here](#)
- Returning Non-Smart Card (Non-CAC) User? Click the button below.**  
[Non-Smart Card Access](#)  
First time Non-Smart Card (Non-CAC) user? [Register Here](#)  
Password problems? [Reset](#)
- For technical problems, select the [Contact List](#) for your organization's computer support Help Desk.



# Choose HR Mybiz

- Select HR,  
MyBiz+ NG





# My Biz+

My Biz+ is for the individual employee & Supv

Screenshot of the My Biz+ web application interface. The browser address bar shows the URL: <https://potteremp.dcpds.cpmis.osd.mil/dcpdsportal-reg15/profile.jsf>. The page title is "MyBiz+".

The interface includes a navigation bar with links: **Other DCPDS Applications**, **★ Favorites**, **Customer Support**, **Help**, and **Logout**. A "Manage My Views" link is also present.

The main content area is divided into three columns:

- Key Services** (Left Column):
  - MyPerformance
  - Manager Functions
    - Performance Management and Appraisal
    - Apply Action(s) to Multiple Employees
    - Manage Trusted Agent Authorization
    - View/Print Performance Management Reports
    - View Previous Requests
    - CIV Fill Request Status
  - Request Employment Verification
  - Civilian Career Report
  - Update Contact Information
  - Update Professional Development
  - SF50 Personnel Actions
  - Update MySupervisor / Update MyTeam
  - Hiring Manager's Toolkit
- Other Responsibilities/Applications** (Middle Column):
  - Responsibilities:**
    - 911 NGB IDHRO00001
    - AGR Mgr IDHRO00001
    - CIVDOD Self Service Hierarchy Manager
    - HR-TRNG IDHRO00001T
    - ID CIVDOD PAYROLL REGENERATION
    - NG ID Performance Appraisal Administrator
    - PER GUHRO00002
    - PER IDHRO00001
    - RPT IDHRO00001
  - Last Personnel Action**
    - Type of Action: Performance-based Pay Increase-Irregular Basis
    - Effective Date: 06-Sep-2015
- \$ Insurance** (Right Column):
  - Health Insurance: Blue Cross Blue Shield Service Benefit Plan (11)
  - Life Insurance: Basic + Option C (5x)
- \$ Pay** (Right Column):
  - Gross Pay: 3498.40
  - Net Pay: 1394.96
  - Pay Period End Date: 17-Oct-2015
- \$ Leave** (Bottom Left):
  - Annual Leave Balance: 196.40
  - Sick Leave Balance: 925.15
  - Annual Leave Forfeit Balance (Use or Lose): 4.40





# Employment Verification

Browser address bar: <https://potteremp.dcpds.cpmc.osd.mil/dcpdsportal-reg15/subpages/personalEmplo...>

Navigation bar: MyBiz+ | Other DCPDS Applications | ★ Favorites | Customer Support | Help | Logout

Employee	Supervisor	Organization
Jeffrey J. Guzi	Albert J. Gomez	ID ANG HQ

[Home](#) / [Employment Verification](#)

### Information

Employment verification releases employment information and, optionally, salary information to an external organization or person, also known as "Recipient".

**Important!**

Prior to completing the Employment Verification request, ensure a valid e-mail address is listed in the "My Email" field below. The password will be e-mailed to you at this address. If your e-mail address is blank or incorrect, enter or overwrite the e-mail displayed. You can also update your work e-mail by selecting Key Services > Update Contact Information > Work Email > Update.

#### Information to Send

☒ Employment Information  
☐ Employment and Salary Information

#### Recipient Information

\*To:

\*My Email:

**Note:** Two distinct email addresses are required. Your password-protected employment verification document will be sent to the recipient identified in the "To" line. A second e-mail, containing the password, will be sent to you based on the e-mail address you identified in the "My Email" field. For your protection, the e-mail containing the password will not be sent to the individual identified in the "To" line. It is your responsibility to share the password with the intended recipient.

#### Related Information

Employment Information: Releases personal, assignment and period of service details.



# Detail Pages & My Team

## Detail Pages



Click to see employees listed under a supervisor you supervise

# Employee Details

## Employee Details

Recruit/Fill Actions

Suspenses/Pending Actions

Personal

Export to Excel

TIP

View	Name	Position Type	Hire Date	Appointment Type	Type of Employment	Email Address
+		APPR	02-Jul-2007	Excepted - Career	Full Time Employee In Pay Status	
+		APPR	03-Feb-2008	Excepted - Career	Employee in Absent - Uniformed Service Status	
+		APPR	22-Mar-2015	Excepted - Career	Employee in Absent - Uniformed Service Status	

## Employee Details

Personal

Personal

Position

Salary

Awards

Bonuses

Performance

Personnel Actions

Professional Development

Leave Balances

Reports

### MyTeam / Personal

☐ Expand an additional section on page

- ▶ [Personal Information](#)
- ▶ [Personal Data History](#)
- ▶ [Contact Information](#)
- ▶ [Appointment Information](#)
- ▶ [Retained Grade Details](#)
- ▶ [Language Information](#)
- ▶ [Veteran Information](#)
- ▶ [Service Computation Date Information](#)
- ▶ [National Guard Information](#)
- ▶ [SF50 Personnel Actions](#)



# SF 50 Personnel Actions

## ▶ SF50 Personnel Actions

Effective Date	First Personnel Action	Action
06-Jan-2019	General Pay Adjustment	<a href="#">View/Print SF50</a>
19-Sep-2018	Individual Cash Award Ratings-Based	<a href="#">View/Print SF50</a>
04-Aug-2018	Return to Duty	<a href="#">View/Print SF50</a>
02-Aug-2018	Absent-Uniformed Service	<a href="#">View/Print SF50</a>
17-Jun-2018	Return to Duty	<a href="#">View/Print SF50</a>

1 2 3 4 5

# NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date 01-06-2019
-------------------------------	---------------------------	------------------	---------------------------------

FIRST ACTION		SECOND ACTION	
5-A. Code 894	5-B. Nature of Action Gen Adj	6-A. Code	6-B. Nature of Action
5-C. Code QWM	5-D. Legal Authority Reg 531.207	6-C. Code	6-D. Legal Authority
5-E. Code ZLM	5-F. Legal Authority E.O. 15866, Dated 26-MAR-2019	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number HUMAN RESOURCES SPECIALIST (EMPLOYEE BENEFITS)  T5028000 - 721191					15. TO: Position Title and Number HUMAN RESOURCES SPECIALIST (EMPLOYEE BENEFITS)  T5028000 - 721191 ← PD number						
8. Pay Plan GS	9. Occ. Code 0201	10. Grade or Level 11	11. Step or Rate 04	12. Total Salary \$67,340.00	13. Pay Basis PA	16. Pay Plan GS	17. Occ. Code 0201	18. Grade or Level 11	19. Step or Rate 04	20. Total Salary/Award \$68,462.00	21. Pay Basis PA
12A. Basic Pay \$58,369.00		12B. Locality Adj. \$8,971.00		12C. Adj. Basic Pay \$67,340.00		12D. Other Pay \$0		20A. Basic Pay \$59,187.00		20B. Locality Adj. \$9,275.00	
								20C. Adj. Basic Pay \$68,462.00		20D. Other Pay \$0	
14. Name and Location of Position's Organization THE ADJUTANT GENERAL - ID  IDARNG ELEMENT - JF HQ HRO TECH PERS MGMT BR BOISE ID						22. Name and Location of Position's Organization THE ADJUTANT GENERAL - ID  IDARNG ELEMENT - JF HQ HRO TECH PERS MGMT BR BOISE ID					

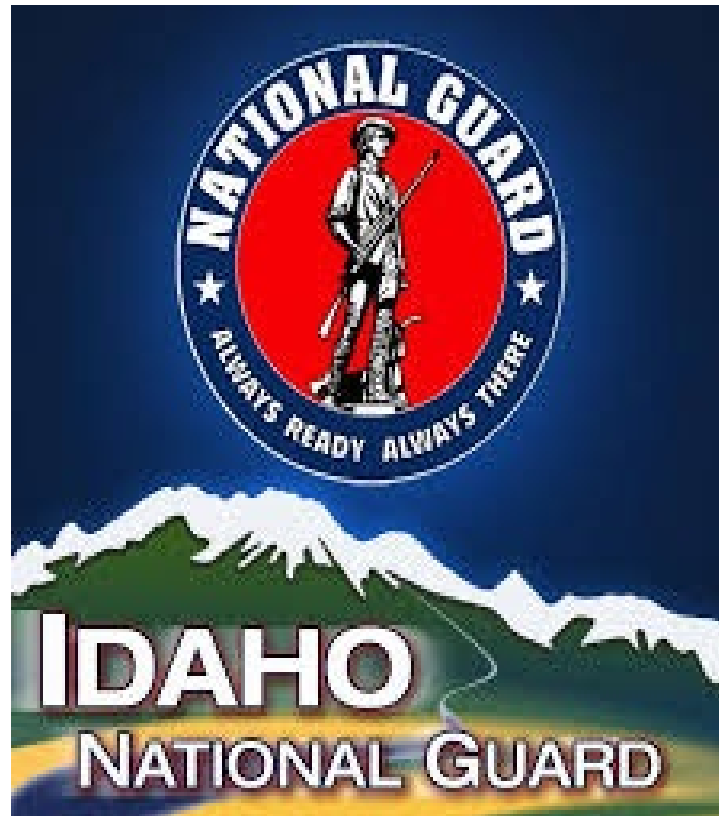
23. Veterans Preference 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30% 1				24. Tenure 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite 1		25. Agency Use		26. Veterans Pref for RIF YES <input checked="" type="checkbox"/> NO	
27. FEGLI C0 Basic only				28. Annuitant Indicator 9 Not Applicable		29. Pay Rate Determinant 0		33. Part-Time Hours Per Biweekly Pay Period	
30. Retirement Plan K FERS and FICA				31. Service Comp. Date (Leave) 10-23-2002		32. Work Schedule F Full-Time			

34. Position Occupied 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career 2				35. FLSA Category E - Exempt N - Nonexempt E		36. Appropriation Code 133G9200		37. Bargaining Unit Status 8888 ← NG5030 is bargaining unit/Union	
38. Duty Station Code 160160001				39. Duty Station (City - County - State or Overseas Location) BOISE / ADA / IDAHO					

40. AGENCY DATA 133G9200	41. W00RAA	42. 59892A	43. 171B	44. DoD Payroll Office, Indianapolis (Army) (OA) OA
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45. Remarks

# QUESTIONS?





# Classification and Position Management



**Idaho National Guard  
Human Resources Office  
Yvonne Howard  
422-3343**

# Purpose of the State Classifier:

- Ensure positions are accurately classified
- Assign PDs to all technician positions
- Review/process Exception PDs
- Conduct position reviews (desk audit)
- Coordinate implementation of new PDs
- Facilitate Federal Wage Survey
- Ensure Hierarchy is accurate
- Manage Air/Army work years

# **A Position Description....**

- **Describes a position's principal duties, responsibilities, and supervisory relationship**
- **Formalizes decisions on assignments, responsibilities, authority, and required Knowledge/Skills/Abilities**
- **Provides a basis for Performance Standards/Appraisals**



# What is a Position Review?

- A fact-finding process for the State Classifier
- Incumbent and supervisor are involved/interviewed
- Group audits can be conducted when several incumbents occupy identical positions
- Reasons for Position Review- Reorganization, New PD Release from NGB, New equipment/technology impacting job, or as requested by Supervisor/Commander/Directorate



# Position Review May Result in:

- No change to the existing Position Description (PD)
- An amendment to the existing PD
- Placement against another standardized PD, with no grade change
- Justification for establishment of a higher graded PD OR lower graded PD
- Establishment of an exception PD – if the situation is unique to the state

# Things that don't count in Classification are...

**“Unusual Diligence or Overtime”**

**“Unusual Qualifications”**

*(Not Required on the Job)*

**“Length of Service”**

**“Relative Efficiency”**  
*(Compared to Others)*

**“Volume of Work”**

**“Personality”**

**“Financial Need”**

**“Scarcity of  
Employees”**



# Things that Do Count In Classification Are...

*“Nature and  
Variety of Work”*

*“Extent of Supervisory Controls  
Over the Work”*

*“Difficulty of the Work”*

*“Qualification Requirements of the Work”*

*“Authority and Responsibility Exercised”*

# Importance of Hierarchy:

- Accurately reflects Supervisor of position
- Allows Supervisor to complete performance management requirements
- Allows supervisor to access employees employment (SF50s), and leave information via DCPDS
- System automatically sends helpful reminders to Supervisors of employees

# Management of Work Years:

- Air
  - UMD – Unit Manning Document
  - MRV – Manpower Resource Voucher
- Army
  - Voucher
  - Chief of Staff sets numbers early FY
- Used by Classifier to determine tenure of hire
  - Permanent, Indefinite, Temporary



# Role of the Supervisor is to:

- Maintain working knowledge of:
  - Mission
  - Organizational Hierarchy
  - Functions of your work unit
- You are responsible for determining how work will be organized and assigned to individual jobs and groups of positions within your work unit.
- You can find PDs at FASCLASS:  
[https://acpol2.army.mil/ako/fasclass/search\\_fasclass.asp](https://acpol2.army.mil/ako/fasclass/search_fasclass.asp)

You must input NG for the “CCPO ID” portion in order to pull National Guard PDs.

(In PD number: D=Dual Status; T=Title 5)

# Call your State Classifier for:

- Help locating a position description
- Questions about work years authorized for your section
- Questions, concerns or requested updates to hierarchy
- Information on authorized tenure within your section (Permanent, Indefinite, Temporary)

# EXERCISE



# Questions?



# S T A F F I N G

## Recruitment / Staffing / Pay



Idaho National Guard  
Human Resources Staffing Specialists

Jennifer Davis 422-3334  
Yvonne Howard 422-3343  
Kylianne Lowe 422-3338

HRO Job Website: <http://inghro.idaho.gov>



## Purpose of the Staffer

- Post job vacancy announcements via USA Jobs
- Qualify applicants for vacancy announcements
- Prepare hiring packets for Selecting Officials
- Process new employee hires via DCPDS
- Set effective dates
  - Request required 10 days prior to pay period start
- Ensure employees are qualified for requested temporary technician appointments, reassignments or temporary promotions



## Purpose of the Staffer continued....

- Adjudicate Veterans Preference for T5 positions
- Process 180-day waivers for T5 selectees
- Request physicals for new Army WG employees
- Inform Hiring Officials of Recruitment Incentives for hard to fill positions



# Hiring Process Overview



1. Supervisor Completes a Standard Form 52
  - Identify tenure, Title 5/Title 32, AOC, Rank, MOS/AFSC
2. Send to HRO - [usaf.id.124-fw.mbx.hro-sf52@mail.mil](mailto:usaf.id.124-fw.mbx.hro-sf52@mail.mil)
3. Staffing Specialist builds draft announcement for your review/approval and set open/close dates
4. Once job closes Supervisor receives referral lists and conducts interviews
5. Return complete interview packets, selection certificates, and other memorandums/letters of justification
6. Staffer audits complete hiring package. Approves selection or contacts Supervisor in regards to missing documentation. Staffer coordinates start date
7. Employee begins new position

## Tips for the interview process ....

- Interview questions must be the same for all applicants
- No grade inversion on your interviewing panel (meet or exceed the highest grade of all applicants). The panel should represent the gender and race of all applicants
- Tailor questions relevant to the job
- Avoid questions that violate Equal Employment Opportunity laws
- Ask open-ended questions
- All interviews can be conducted face to face or via telephone
- If an individual declines an interview, please document as part of your interview packet and include any written correspondence if they provide it to you
- Conduct interviews as negotiated in the Collective Bargaining Agreement or as defined in the State Merit Promotion Plan
- Apply consistent interview techniques with all candidates

# Merit Promotion & Placement

- Merit Promotion & Placement is the process we use to consider candidates for competitive and non-competitive placement of Dual-Status technicians and Title 5 employees
- Management has the right to:
  - Select or not select from properly referred/qualified applicants
- Select candidates from any appropriate source most likely to best meet mission objectives
  - Title 32 Dual Status Announcements – Minimum of 10 days
  - Title 5 Excepted Service Announcements – Minimum of 3 days

## After a selection has been made ....

- After the interview, the supervisor indicates his/her selection on the certificate of eligible candidates provided by HRO
- Supervisors need to completely fill out the required documentation and return to HRO-Staffing
- Items to Consider:
  - Creditable service towards probation period and Highest Previous Rate
  - Superior Qualifications
- Other items that require additional documentation:
  - Superior Qualifications, Incentives, and Individual Development Plans are examples of items to consider
- Once the selection has final approval (as necessary) an HR Staffing Specialist will coordinate hiring details including start date
- Supervisor confirms the selectee accepts official offer. Individual starts and coordinates Benefits In-Brief with HRO



# Military/Technician Compatibility



## Incompatible Conditions:

- Loss of military membership = separation (Title 32 DS ONLY)
- Failure to meet a requirement of the position/condition of employment
- Military promotion into another unit of assignment (Title 32 DS ONLY)
- Commissioning or accepting a Warrant Officer Commission while occupying an Enlisted technician position (Title 32 DS ONLY)

Reference: Technician Personnel Regulation (TPR) 715 - "Voluntary & Non-disciplinary Actions" and TPR 303 Military Technician Compatibility

# Compensation

## Federal Pay Systems



### ➤ **General Schedule (GS)**

- 15 grades with 10 steps per grade
- Administrative/Clerical/Technical
- Special salary rate schedules  
(<http://inghro.idaho.gov/hr/paytables/tables.htm>)
- Locality increases normally in January

### ➤ **Federal Wage Systems (FWS)**

- Trades and crafts-related fields *and has...*
- 15 Grades for Non-Supervisory (WG)
- 15 Grades for Work Leaders (WL)
- 19 Grades for Supervisory (WS)
  - *with...5 steps per grade*
- Locality increases normally in September

# Compensation



**Waiting Periods: 5 CFR 531.405 & 5 CFR 532.417**

Within-Grade Increase Applicability Chart				
GS			WG	
Steps 2/3/4	52 Weeks Each		Step 2	26 Weeks
Steps 5/6/7	104 Weeks Each		Step 3	78 Weeks
Steps 8/9/10	156 Weeks Each		Step 4	104 Weeks
			Step 5	104 Weeks

# Compensation

## Superior Qualifications (GS) or Advanced In-Hire Rate (FWS)

- Pay can be set above step 1 for new federal appointees
- All Superior Qualification or Advanced In-Hire request **must be** received and **APPROVED** prior to appointment

## Recruitment / Relocation / Retention Incentives

- An agency may make recruitment, relocation, and retention payments to an individual or group to address recruitment and retention problems

*\*\* Recruitment and relocation MUST be on job vacancy announcement to be considered \*\**



# Compensation



## Maximum Payable Rate / Highest Previous Rate

- Highest previous rate (HPR): The highest actual rate of basic pay while Federally employed or the actual rate of basic pay for the highest GS grade and step previously held by an individual for at least one year within the last 5 years
- Maximum payable rate (MPR): The highest amount at which an employee's pay may be set when the highest previous rate is considered. It may be higher or lower than the highest previous rate
- Use of HPR and MPR is discretionary to an Agency and to the TAG and HRO in TPR 335

# Test your knowledge.....

- ☐ When would a hiring official request a recruitment incentive?
- ☐ Under what circumstance would you request a Superior Qualification?



# Questions?

# Performance Management

## MyBiz DOD Performance Mgt Application



Idaho National Guard  
Human Resources Office  
Zenella Sablan



# References

- CNGBI 1400.25, Chap 431
- HQ IDNG REG (ARNG) 690 Ch 430  
Performance Management
- CBA 2019

# What if - your employee is absent for mil service?

- Technicians/NG federal employees will be rated if they have been working under a plan for 90 days
- If under 90 days, supv/raters will assign their most recent rating of record as the new rating of record for the current appraisal cycle

# What if - the employee transfers or the Supv/rater leaves???

- Technicians/NG federal employees will receive a narrative statement if they have been working under a plan for 90 days and there are more than 90 days remaining till end of appraisal cycle
  - plan will then be transferred to New Supv/Rater
- If the employee has been working for at least 90 days and there is less than 90 days remaining in the appraisal cycle, then the Supv/Rater will complete the plan with a rating of record\*
  - \* if circumstances occur in which the departing Supv/Rater was unable to complete the rating, then the HLR may serve as the rating official and complete the plan

# Supervisor-Employee Communication

- Communication between supervisor and employee is critical.
  - Supervisors need to know what the employee is required to do for their specific job
  - “Buy in” from the employee is developed when you include them

➤ **DOD Performance Mgt Appraisal Program requires *three* performance discussions between supervisor and employee during the performance appraisal cycle**

***THEY ARE:***

Initial Performance Planning  
Meeting

Progress Review

Final Performance Appraisal  
Discussion

➤ In addition to those required, ***more frequent and meaningful periodic discussions between supervisors and employees are HIGHLY encouraged.***

# The Interim/Progress Review

- CNGBI 1400.25, Vol 431. Monitoring Performance
  - Provide feedback throughout the appraisal cycle, typically at least at mid-cycle
  - NOT a rating of record
  - Must have at least one documented progress review
- Can be accomplished in the MyPerformance Application using the Progress Review tab
  - Note: the plan has to be in place and approval completed



# Required Performance Elements

- *IAW HQ IDNG REG (ARNG) 690-201/HQ IDNGI (ANG) 36-502, 31 Jan 06*

*CH 430 Paragraph 4. Performance Standards.*

- All employees are required to have a critical element that will address
  - SAFETY & EEO
- Supervisors are required to have at least **4** critical elements
  - Effective administration of EEO & Safety
  - Timely Submission of subordinate's standards and appraisals
  - 2 Performance Elements

# Element 1 – Workforce Management

**TASK:** Effectively exercises supervisory personnel management responsibilities by practicing/complying with applicable Federal Regulations, Occupational Health and Safety rules/practices; security requirements; fiscal/resource constraints; change management principles; and Idaho National Guard recruitment and hiring policies. Applies EEO concepts and requirements to all personnel management actions and decisions, and ensures all personnel are treated in a manner free from harassment, discrimination, and retaliation. Hears and resolves employee complaints or elevates as appropriate, in accordance with all applicable regulations and policies.

**STANDARD:** Management actions are in line with EEO objectives, Merit Systems Principles, and Prohibited Personnel Practices. Supports Whistleblower Protection Program by responding constructively to employees who make protected disclosures under 5 USC 2302(b)(8); takes responsible/appropriate actions to resolve any such disclosures; creates an environment in which employees feel comfortable making disclosures. Consistently observes and complies with applicable health, safety, and security directives for specific work center. Takes appropriate and timely action to resolve/elevate complaints and provide a work environment free from coercion, discrimination, and retaliation/reprisal.

**TASK:** Identifies current and future position requirements, ensures recruitment is appropriately focused to attract and retain a high-caliber workforce and acts in a timely manner on all steps in the recruitment and hiring process. Periodically reviews core personnel documents to ensure accuracy and the most effective utilization of personnel resources.

**STANDARD:** Personnel management actions, to include completing required SF52s, are typically prompt, accurate, and well considered in terms of mission and coordinated with HRO.

## Element 2 – Supervisory Requirements, Performance Management and Employee Development

**TASK:** Completes Supervisor required initial and recurring training within established timeframes.

**STANDARD:** The National Guard Personnel Management course is completed within 1 year of appointment as a new supervisor of federal employees and every 3 years thereafter. ATAAPS certifier training is completed within 1 year of appointment as a new supervisor/certifier of federal employees and annually thereafter.

**TASK:** Efficiently administers performance management program responsibilities, ensuring employee performance plans, progress reviews, and appraisals are accomplished in compliance with all applicable guidance and timeframes. Clearly communicates performance expectations throughout rating cycle, ensures employees are held accountable, makes meaningful distinctions in performance, and appropriately recognizes employee achievements.

**STANDARD:** Performance Plans are initiated/revised at beginning of rating cycle with timely approvals by HLRs, normally accomplished within 30 days from beginning of rating cycle. Progress review(s) are accomplished in a timely manner; a minimum of one progress review is conducted, normally at the mid-point of the rating cycle. Annual appraisals are accomplished IAW established organizational timelines, using consistent/equitable rating techniques.

**TASK:** Fosters employee engagement and a results-oriented performance culture, resulting in successful accomplishment of work. Workplace, conduct and performance issues are promptly addressed. Identifies employee developmental needs and provides/arranges for training (formal and on-the-job) to maintain and improve job performance. Encourages self-development.

**STANDARD:** Technical/administrative guidance provided to subordinates is timely, substantive, and generally promotes development of individual skills/abilities. Declining/unacceptable performance is addressed and achievements recognized in timely manner IAW established procedures.

# Standards

- Standards describe how the requirements and expectations provided in the performance elements are to be evaluated
  - ❑ Should be written using SMART criteria
  - ❑ Must be written at “Fully Successful” level for each performance element
  - ❑ Avoid using absolute standards (e.g., 100 percent, always, or never) unless critical to life and safety

# Are the standards achievable?

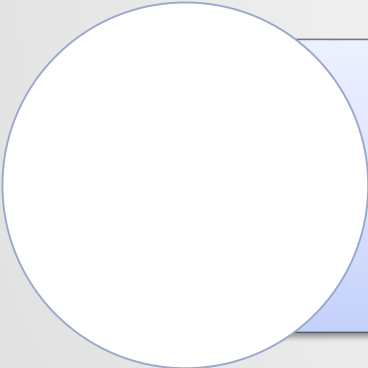
- Are expectations reasonable?
- Research has shown that setting expectations that are impossible or nearly impossible to achieve can actually cause performance levels to drop because employees tend to give up if they perceive the goal as impossible



# Can the Fully-Successful be surpassed?



**Is it possible for an employee's performance to exceed the standard?**



**By including “Fully Successful” standards that cannot be surpassed, the performance plan effectively eliminates the opportunity for the employee to obtain a higher assessment**

# Writing Performance Elements and Standards

Specific

Measurable

Achievable

Relevant

Timely

# Writing SMART Standards

**S** Specific: stated as simply, concisely, and explicitly as possible.

- Defined as specific behaviors, efficiencies, or results
- Concrete and job-related
- Stated in active voice with one action verb

**Example:** Type written communications for the division.

# Writing SMART Standards

**M** Measurable: Outcome-oriented, reflecting the most important aspects of performance

- Should be able to
  - Evaluate objectively
  - Identify criteria for success and failure
  - Provide a number or percent that can be tracked

**Example:** Type written communications for the division  
with less than 3 errors per page.

# Writing SMART Standards

**A** Achievable: Can be accomplished with available resources

➤ Should be:

- Realistic requirements
- Appropriate amount of work/responsibility
- Feasible according to the employee's competencies and the organization's resources

**Example:** Type written communications for the division **according to the unit's established guidelines** with no more than than 3 errors per page.



# Writing SMART Standards

**R** Relevant: the standard is important to the employee and the organization.

➤ Should be:

- Consistent with the employee's role in the workplace
- Aligned with the employee's skills, knowledge, and ability needed to reach fully successful
- Made clear to employee that task is important to success of the organization

# Writing SMART Standards

**T** Timely: Change within acceptable timeframe

➤ Should:

- State when task should be completed
- Express a clear and unambiguous timeframe
- Plausible according to average workload

**Example:** Type written communications for the division according to the unit's established guidelines, with no more than 3 errors per page and **no less than 80% completed on time.**

# Review your PD – finding the info

• Info for mission objective or purpose

• Information for your critical elements

## a. INTRODUCTION:

This position is located in the Joint Forces Headquarters—State, Logistics Directorate (J-4), Surface Maintenance Facility. The purpose of this position is to troubleshoot, repair, maintain, inspect, and/or overhaul a variety of complex combat, tactical, commercial, and special purpose vehicles and equipment having complicated mechanical and non-mechanical systems with a variety of interconnected systems. Provides technical guidance and specialized team leadership to lower grade employees.

## b. DUTIES:

(1) Performs maintenance, troubleshooting, and major repair on heavy-duty mobile equipment, combat, tactical, and automotive vehicles. This may include self-propelled artillery, tracked cargo and personnel carriers, road graders, mobile cranes, front loaders, bulldozers, power shovels, tanks, tracked combat vehicles, all terrain vehicles, semi trailers, forklifts, tractors, and accessory equipment. Troubleshoots, repairs and/or overhauls, as a regular and recurring duty, a variety of the mechanically complex major systems to include internal combustion engines, turbine engines, automatic and non-automatic transmissions, heavy duty drive line systems, and hydraulic utility systems and controls, cross drive or similar multi-system transmissions and a variety of intricate fuel injection systems. Makes repairs and modifications to assemblies and components such as voltage regulators, generators/alternators, brake cylinders, etc., for use or placement in systems for which they were not specifically designed. Improvises work when standard procedures do not apply.

(2) Troubleshoots equipment with a variety of the mechanically complex major systems and diagnoses difficult performance problems and the cause of mechanical failures by means of visual and auditory checks, uses test equipment such as engine analyzers, compression testers, voltmeters, ohmmeters, pressure gauges and computer diagnostic tools. Utilizes embedded diagnostics in equipment and a wide variety of specialized original equipment manufacturer system analyzers in order to determine the exact nature or extent of repair. Determines what adjustments may be necessary to complete work orders, and whether any additional repairs other than those specified or indicated on the work order are necessary.

(3) Removes and disassembles engines and complex major assemblies, sub-assemblies, components, and fuel, hydraulic, and oil pressure systems. Makes the appropriate repairs, overhaul, or modifications in accordance with the proper repair specifications and procedures, and improvises repair techniques when standard procedures are not available. Reassembles engines and other systems, and adjusts, tests, and reinstalls in vehicles and equipment as necessary. Makes adjustments and repairs to electrical and suspension systems. Repairs equipment with a variety of interconnected systems to include state of the art electrical and electronic, fuel

70637000

# Format for Performance Elements & Standards

- ELEMENT AND STANDARD(S)
- Task:
- Standard:
- \*\*\* see examples on following slides\*\*\*

# Example 1: SMART Standards

**TASK:** Provide relevant, timely, all-source intelligence reporting

Timely

**STANDARD:** Complete analysis of effects of UN-imposed sanctions on Iraqi industrial sector and present results in appropriately coordinated intelligence report for release to policy-making community by 31 August. Product will reflect engagement with other analysts and stakeholders, and incorporate their coordinated views. The completed product will make use of available intelligence from at least 90% of relevant sources as dictated by ICD 203.2 and reflect engagement with other stakeholders in the subject of the analysis.

Specific

Relevant

Measurable/  
Achievable



# Example 2: SMART Standards

**TASK:** Provide accurate, timely customer service

**STANDARD:** Upon receipt of requests, provide accurate responses in the agreed-upon timeframes, as defined by ICD 24.8, using the appropriate format identified in SOP25 during the performance appraisal cycle ending March 31, 2017. This supports the organization's commitment to be responsive to customers and clients. Meet suspenses 90% of the time. Provide accurate responses with no more than 2 errors per request.

Timely

Specific

Relevant

Measurable/  
Achievable

# Exercise

- **Task:** Complete a MyPerformance Plan for one of your employees
- **How:** Use your Position Description (PD) and complete and follow the SMART format.
- **Task:** Compose 1 critical element
- **How:** Use your Position Description (PD) and complete 1 critical elements on the blank NGB 430 Forms.
- **Time:** 20 Minutes – be prepared to review critical elements

# Monitoring Performance

- Outstanding Performance
  - Are you providing positive feedback/reinforcement for the performance?
  - Are you thinking about putting them in for an award?
- Fully Successful Performance
  - Do you want to meet with your employee and discuss how they can improve?
- Unacceptable Performance
  - Are you documenting instances where you notice the performance is at or below a level 3 rating? (You can identify the metrics the employee is not meeting)
  - Are you engaging in informal discussion about performance?

# Evaluating Performance

## Evaluating Performance

Evaluating performance entails assessing performance against the performance elements and standards in the employee's approved performance plan and assigning a rating of record based on work performed during the appraisal cycle

At the end of the appraisal cycle, an employee's performance is rated by his or her supervisor against the employee's performance plan

# SAMPLE Performance Rating Narratives

## Level 5 - Outstanding

- Produces exceptional results or exceeds expectations well beyond specified outcomes
- Sets targeted metrics high and far exceeds them (e.g., quality, budget, quantity)
- Handles roadblocks or issues exceptionally well and makes a long-term difference in doing so
- Is widely seen as an expert, valued role model, or mentor for this work
- Exhibits the highest standards of professionalism



# SAMPLE Performance Rating Narratives

## Level 3 – Fully Successful

- Effectively produces the specified outcomes, and sometimes exceeds them
- Consistently achieves targeted metrics
- Proactively informs supervisor of potential issues or roadblocks and offers suggestions to address or prevent them
- Achieves goals with appropriate level of supervision

# SAMPLE Performance Rating Narratives

## Level 1 - Unacceptable

- Does not meet expectations for quality of work; fails to meet many of the required results for the goal
- Is unreliable; makes poor decisions; misses targeted metrics (e.g., commitments, deadlines, quality)
- Lacks or fails to use skills required for the job
- Requires much more supervision than expected for an employee at this level

# Employee Performance Ratings

## **(5) OUTSTANDING**

- The average score of all performance element ratings is 4.3 or greater, with no element being rated a “1”, resulting in an overall rating of record that is a “5”.

## **(3) FULLY SUCCESSFUL**

- The average score of all performance element ratings is less than 4.3, with no element being rated a “1”, resulting in an overall rating of record that is a “3”.

## **(1) UNACCEPTABLE**

- Any performance element rated as a “1”.

# Employee Input and Supervisor Evaluation

## Employee Input

- Written by employees about themselves
- Compares performance during the appraisal cycle to performance elements and standards
- Provides opportunity for employee to state accomplishments and impact
- Focuses on employees' perception of their strengths and improved performance
- Emphasizes organizational impact of performance
- Makes supportable distinctions in performance above Fully Successful level (if applicable)
- Includes awards, recognitions, and compliments received during the appraisal cycle

## Supervisor Evaluation

- Written by supervisors about employee performance
- Compares employee input, if completed, and performance elements and standards
- Provides employees with meaningful, constructive, and candid feedback
- Focuses on supervisors' assessment of strengths, improvement notes, and areas for improvement
- Emphasizes organizational impact of performance
- Makes meaningful distinctions in performance and provides supporting documentation of the recommended rating (if applicable)
- Includes observations made by other managers, supervisors, customers, or peers

# After writing the Performance Rating Narrative: Schedule the Meeting

**When scheduling performance discussions, supervisors set the date, time, and location of the meeting with the employee**

**Note:** Per DODI 1400.25, volume 431, a rating record of “Unacceptable” must be reviewed and approved by a higher level reviewer. Supervisors should contact their Employee Relations Specialist in Human Resources prior to rating an employee as “Unacceptable.”



# General Information

## TRACK PROGRESS

The  
Track  
Progress  
feature

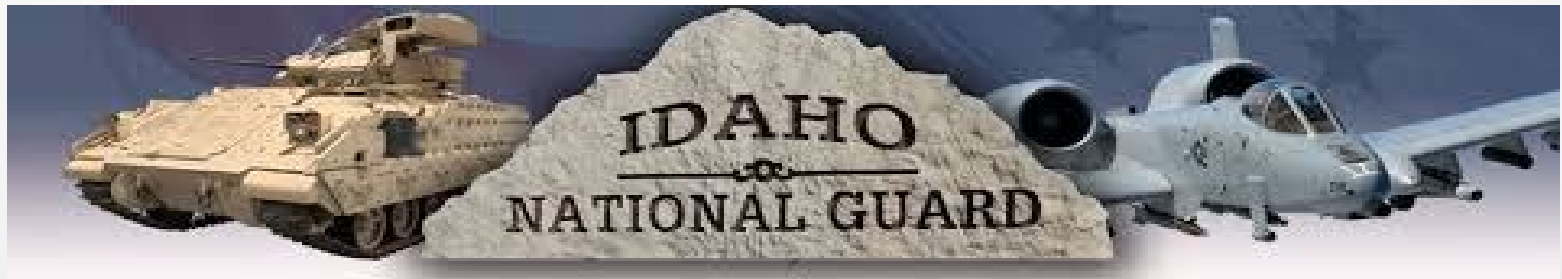
<b>Plan</b>		
<input type="checkbox"/>	Drafted	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Reviewed by Higher Level Reviewer	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Approved	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Acknowledged by Employee	<input checked="" type="checkbox"/>
<b>Interim Review</b>		
<input type="checkbox"/>	Employee - Self-Assessment	<input type="checkbox"/>
<input type="checkbox"/>	Rating Official - Assessment	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Reviewed by Higher Level Review - If Required	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Communicated to Employee by Rating Official	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Acknowledged by Employee	<input type="checkbox"/>
<b>Appraisal</b>		
<input type="checkbox"/>	Employee - Self-Assessment	<input type="checkbox"/>
<input type="checkbox"/>	Rating Official - Assessment	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Higher Level Reviewer Approved	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Communicated to Employee by Rating Official	<input checked="" type="checkbox"/>

A 3D rendered scene of a classroom. In the foreground, several blue, stylized human figures are seated in white chairs, facing away from the viewer towards the front of the room. At the front, a red, stylized human figure stands next to a large whiteboard on a stand, pointing at it with a pen. The background is a plain white wall.

# **MyPerformance training and Action Guides are available:**

[http://inghro.state.id.us/hr/pocs/eds/  
eds.htm](http://inghro.state.id.us/hr/pocs/eds/eds.htm)

# QUESTIONS?



# *Performance/Incentive Awards*

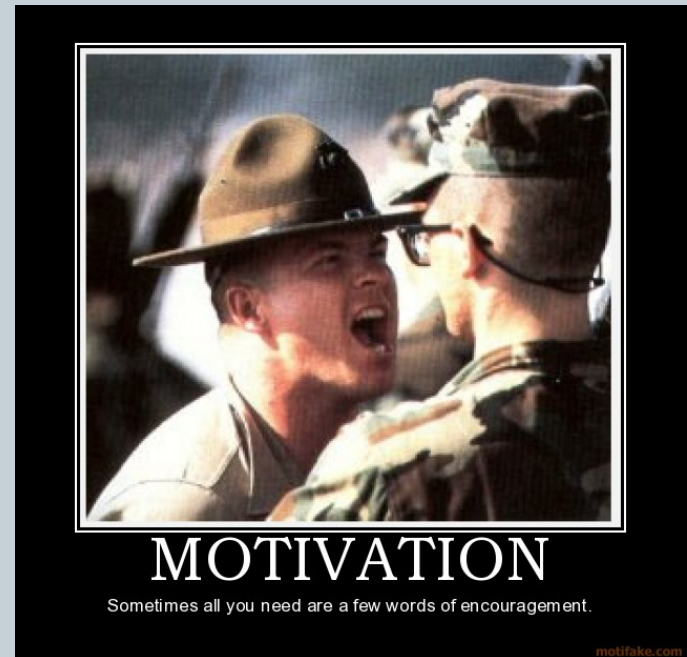


Zenella Sablan  
272-4225

# PURPOSE OF AWARDS



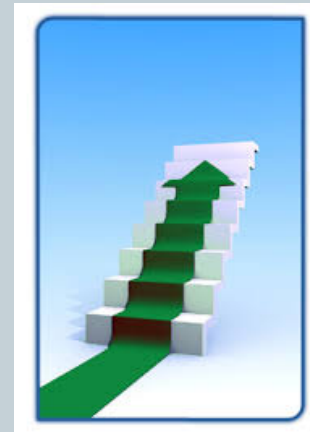
- Motivate employees.
- Increase efficiency, productivity & creativity.
- Recognize/reward superior performance & special contributions.
- Ref: 690/201, 36-502 Chap 451, CNGBI 1400.25, Vol 451 & 5 CFR 451.104



# Types of Awards



- Time-off
- Cash
- Quality Step Increase (QSI)
- On-the-Spot





# TIME-OFF AWARDS



## *Time-Off Award:*

- Up to 40 hours paid time-off per award.
- Maximum of 80 hours per leave year.
- 1-20 hour awards may be approved by director/group commander.
- 21-40 hour awards get routed to ATAG for final review/approval.
- Time off awards can be given **THROUGHOUT** the year.



# MONETARY AWARDS



## **Lump-Sum Cash Award:**

- Generally in the range of \$250-\$2500.
- \$250 or less can be approved at the Group Commander/ Director level.
- Monetary awards are paid from Civ Pay Funds – when available.
- Treated as taxable income.
- Paid as early as possible after the final approving authority has signed the NGB 32.

# MONETARY AWARDS



## **Quality Step Increase (QSI):**

- General Schedule (GS) employees only.
- When outstanding performance has been sustained through preceding 12 months in the same job/class and is expected to continue.
- Must have an overall rating of '5' on appraisal.

# On-the-spot Awards



- Can you think of a time that your employee did something amazing?
- Did the thought of giving them an award come up?
- If you answered “Yes”, this is an example of when an On-the-Spot award is appropriate.
- Does not require a completed appraisal but a plan must be in place.

# SUPERVISORY RESPONSIBILITIES



- Match the type of award recognition to each situation.
- Ensure awards are timely and appropriate.
- Award Form NGB 32 and guidance can be found on the HRO Homepage (Chapter 451 under Regulations and Publications).



# SUPERVISORY RESPONSIBILITIES

## NGB Form 32 for Time-off & On-the-Spot



- Ensure that the NGB 32 is filled out correctly.
- Award performance period must be entered on form.
- **Sign the form!** Block 9
- Have section chief or unit cc sign Block 10
- Write-up needs to justify the award
- Route form NGB 32 to HRO Program Manager





# New Policy: Date TBD



- A new process for Performance Awards at the end of the appraisal cycle.
- Award options will be based on the Summary Rating (Average Raw Score) of the Appraisal.
- Supervisors who HAVE NOT put a plan in place or have completed the appraisals for their employees will not be eligible for performance awards.



# Questions?



# Employees on Military Duty

USERRA, ABSENT-US, RETURN TO DUTY



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IDAHO NATIONAL  
GUARD

HUMAN RESOURCE OFFICE

# Topics

---

USERRA

Out-Processing

Setting the Absent-US Effective Date

Double Dipping/Leave

Restoration Periods

Return to Duty

Presidential Leave

TSP

# USERRA

Uniformed Services Employment and Reemployment Rights Act

---

USERRA is a federal law intended to provide employment protection for employees who serve in the Uniformed Services.

Maximum re-employment rights: Provides 5 cumulative years with the same employer for non-exempt military service

# First Step: Out-Process

---

The Supervisor **will** ensure:

1. A SF52 is sent to HRO with a copy of the employee's military orders as soon as they are published (can be draft).
2. Employee makes an appointment with a HRO Representative ASAP to out-process and complete the Absent-US Checklist.
3. Verify with HRO if a Performance Appraisal action is required before employee starts their orders.



# Setting the Absent-US Effective Date

The Absent-US effective date will be the same as their military orders **UNLESS** the employee takes leave, then the effective date **may** be the first full day of non-pay

**Comp Time** - If the employee has comp time that will be forfeited (26 pay periods from accrual date) during the Absent-US period, they will need to use it **BEFORE** being placed on Absent-US.

## Example:

(1)Employee orders start January 1, normally the Absent-US would be effective January 1 but the employee has 40 hrs of regular comp time they want to use, so the new effective date for the Absent-US is January 6

[effective date can be a weekend]

# Double-Dipping/LEAVE

---

Once HRO places the employee in Absent-US (KG), timekeepers can still code the following types of leave while the employee is on orders:

- **Military Leave (LM) – 120 hrs. each FY (if eligible)**
- **Annual Leave (LA)**
- **Travel Comp Time (CF)**
- **Time Off Awards (LY)**

Military Leave policy

# Restoration Periods

---

Employees must report back to work after military service:

Order length

Less than 31 days – 1<sup>st</sup> full regular work day

More than 30 Less than 181: within 14 days

More than 180 days: Within 90 days

\*Exception: Employees who have exhausted their 5 year USERRA protection must inform the employer of their intent (to restore or not) before the end of their 5 year USERRA limit.

# Return to Duty

---

Employee contacts supervisor and confirms a return to duty (RTD) date.

Employee's Supervisor submits a SF52 to HRO with employees pending RTD date. (Recommend RTD is submitted with AUS)

## **IMPORTANT INFORMATION**

**FAILURE TO SUBMIT A SF52  
PRIOR TO RETURN TO DUTY  
WILL CAUSE PAY AND  
BENEFIT ISSUES.**

# Presidential Leave

## [For contingency orders only]

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Employee are entitled to Presidential Leave (LV) the first five working days after their RTD. This leave cannot be used at another time.

If the employee elects to take personal LWOP during their restoration period, Presidential Leave is taken the first 5 days after their RTD.

# Return to Duty – FEHB (contingency orders and non-contingency orders)

---

## Upon Return to Duty: Contingency Orders:

Transitional Assistance Management Program, **TAMP**, medical coverage through Tri-Care.

- TAMP coverage starts immediately following the end date on their orders and continues for 180 consecutive days.
- Employees have the option to keep FEHB terminated during this 180 day period, if FEHB was terminated at the beginning of the contingency orders (Absent-US effective date).
- Employee must request a waiver to extend termination of FEHB otherwise, FEHB will automatically reinstate.

**TAMP may also apply to NEW employees who just left AD**

## Upon Return to Duty: Non-Contingency Orders:

- Reinstate FEHB effective Return to Duty date.
- If FEHB was retained during Absent-US Status a debt will have accrued and premiums will be doubled up upon returning to duty.



# Return to Duty – TSP

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Upon returning to federal employee status, retroactive TSP contributions plus automatic agency matching funds can be requested.

- Must have a military TSP account **AND** have been contributing
- Must bring in copies of military LESs to receive matching contribution

Submit request thru HRO for retroactive contributions **NLT 60 days** after returning to federal employee status.

# QUESTIONS???

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# Review questions

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What should an employee do when they will be put on military orders?

Should a supervisor ask an employee to resign when they will be on long term orders?

When can Presidential Leave be taken?

An employee returns to duty after 75 days of military orders, how long do they have to restore?

What types of leave can be coded while an employee is Absent-US?



# New Employee Orientation



**Idaho National Guard  
Human Resource Office**

# Before Orientation

- You will receive an email from HRO
  - The email will have two files, one for you and one for your employee
- You are responsible for going over the New Federal Employee Supervisor Checklist with them (this is part of your file).
- If an email is not received by the middle of the pay period, contact our POC for NEO, SPC Marta Ortiz at (208) 272-4228 or [marta.ortiz3.mil@mail.mil](mailto:marta.ortiz3.mil@mail.mil)
- **It is your responsibility to ensure your employee reports to NEO on time with all required documents**
- If your employee will be unable to attend, you must contact SPC Ortiz to reschedule **prior** to orientation.



# Orientation

- **EMPLOYEE MUST SHOW UP**
  - **Your attendance is highly encouraged!**
- They must bring all the required documents requested in the email
- Payroll documents must be given to their respective finance office; contact information is included in the employee files
  - Army Finance - USPFO
  - Air Finance- Building 400





# After Orientation

- Complete the checklist with your employee
  - Ensure finance has received all payroll documents
- 



# Review

- ▶ If you know you have a new employee and you have not received an email from HRO, what should you do?
- ▶ What should you do if you know that your employee will not be able to attend NEO?
- ▶ The email states that all the documents are included in the email, but you can't find them. What should you do to ensure that your employee has all the required documents and is prepared for NEO?




# Employee Tenure




# Tenure

- SF50 block 24
  - Temporary = 0
  - Permanent = 1
  - Conditional (trial period) = 2
  - Indefinite = 3




# Tenure Group 0 = Temporary

- Employees in a temporary, time-limited appointment with a “Not to Exceed” date
  - This tenure group may not receive advance written notice prior to being released from their appointment/employment
  - If appointment will be greater than 6 mo., recommend establishing a performance plan
  - No appeal rights
- 



# Tenure Group 1 = Permanent

- Employees in a permanent status, or completed the requirements for career tenure
  - This tenure group is not conditional or time limited
  - Performance plan required
  - Will receive a 30-day written notice prior to separation
  - Appeal Rights
- 






# Tenure Group 2 = Conditional (Trial Period)

- Employees are in a trial or probationary period
- Job performance and behavior are observed and assessed by the supervisor
- Supervisor recommends retention or non-retention prior to the end of the trial/probationary period – (can be released at **any** time during this period)
- Performance plan required
- Automatically convert to tenure 1 after successful completion of trial/probationary period
- No Appeal Rights
- 30-day notice not required



# Tenure Group 3 = Indefinite

- Employees are “Indefinite” or “Term”
  - Appointment is generally expected to last more than one year
  - Performance plan required
  - May require a 30-day written notice prior to separation/pending the length of time they have been employed
- 

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)		2. Social Security Number	3. Date of Birth	4. Effective Date 09-01-2019
<b>FIRST ACTION</b>		<b>SECOND ACTION</b>		
5-A. Code 570	5-B. Nature of Action Conv to Excepted Appointment	6-A. Code	6-B. Nature of Action	

### 45. Remarks

Employee is automatically covered under FERS, FERS-RAE or FERS-FRAE

Appointment is subject to completion of one year trial period beginning 03-FEB-2019.

Previous retirement coverage: Never Covered.

Performance standards required within 30 days.

Employee was a tenure 0 (temp) effective 3 Feb 19.

Employee was hired into a permanent position 1 Sept 19 but is a tenure 2 until the conditional/trial period ends on 2 Feb 20.

If you are the new supervisor, Performance Plan period may not necessarily align with the end of the probationary period. Contact HRO to validate dates for the performance plan.

\*If you do not indicate any performance/conduct issues before 2 Feb 20, employee will automatically convert to tenure 1 (permanent) on 3 Feb 20.



# Questions?



# Training Management and Career Development

**Idaho National Guard**

**Human Resources Office**

**Gina Giddens, HRD, 272-4226**

**[janina.giddens@us.af.mil](mailto:janina.giddens@us.af.mil)**



# Training is an investment, not an expense.

- Results of well-trained employees:
  - Better customer service
  - Meeting all job requirements
  - Greater productivity
  - Improved performance
  - Retention!

Putting time up front into training will lead to greater results in the future of your employees and the National Guard.

*“The only thing worse than training your employees and having them leave, is not training them and **HAVING THEM STAY.**”*





# Regulations, Supervisor Responsibilities & Resources

- Must be administered IAW
  - Code of Federal Regulations (5 CFR 410)
  - CNGBI 1400.25, Vol. 400
    - (Responsibilities of NGB, TAG, HRO, HRD and Supervisors)
  - State Directive on Technician Training Program
- Resources
  - ATRRS
  - PEC
  - Online Training
  - Local vendors (ie. ExecuTrain, LeapFox, etc.)
- Observations in the work place...
  - Could your employees be more efficient if they had specific types of training? (ie. Microsoft or training specific to their PD)
  - Have you noticed knowledge or skill deficiencies that are causing performance problems?

# Training Priorities

- Priority 1-
  - Mandatory/statutory training that MUST be completed during the fiscal year in order to prevent an adverse impact on mission accomplishment.
- Priority 2-
  - Training required to produce skilled employees within career fields. It should be successfully completed within a specified time period, but may be delayed if funding is not available.
- Priority 3-
  - Training for an employee performing competently to increase his/her productivity.

# Individual Development Plans

- Used when employee is hired below the full grade level (trainee) or training is required for their position
  - Ex: Contracting, Acquisition, Human Resources positions, FM
  - Can you hire someone who doesn't have the required experience into the position at a lower pay grade?
- Anytime a supervisor and employee are putting together a training plan for the employee
  - CNGBI 1400.25, Vol. 400
- Form:
  - NGB Form 650

# Training Requests

- Training/Travel (ARMY):
  - Complete SF182
  - Request Special Conveyance
  - LOI (if applicable)
  - Email to HRD
  - Complete DTS
- GPC Training Purchase (ARMY):
  - Completed/approved SF182
  - Funding Memo (if applicable)
  - Invoice
  - Description & Agenda
  - Email documents to HRD

**Training/Travel handled at unit level for AIR**

**GPC Training Purchase is initiated with unit RA for AIR & routed to HRO. SF182 required.**

# Completed Training

- Certificates to HRDS
  - MyBiz+
  - eOPF
- After Training
  - Objectives
  - Effectiveness



# Let HRO Help

Call the HRD if you have any questions or concerns regarding training and development for your employees.

Gina Giddens, 272-4226





# LEAVE

*Idaho National Guard  
Human Resource Office*



# TYPES OF LEAVE



- Annual Leave
  - ▣ Advanced Annual Leave
- Leave Without Pay (LWOP)
- Sick Leave
  - ▣ Disabled Veteran Leave
  - ▣ FFLA
- FMLA
- Military Leave
- Funeral Honors Duty Status
- State Active Duty (SAD)
- Voluntary Leave Transfer
- Compensatory Time
- Excused Absence
- Administrative Closings/  
Severe Weather
- Court Leave
- Absence Without Leave (AWOL)
- Holidays
- Hot Topics

# ANNUAL LEAVE



KEEP  
CALM  
AND  
TAKE  
ANNUAL LEAVE

## ***Accrual Rates:***

- 1-3 years: 4 hours/per pay period
- 3-15 years: 6 hours/per pay period
- 15+ years: 8 hours/per pay period

Temporary appointment of 89 days or less not eligible to use annual leave. Once an employee reaches 90 days, they may begin to use annual leave.

# ANNUAL LEAVE

USE IT  
OR  
LOSE IT!



## ***Criteria/Rules:***

- ❑ Service computation date (SCD) determines leave accrual
- ❑ Maximum annual carryover – 240 hours
- ❑ Separated employees may be paid lump sum for unused annual leave
- ❑ May be advanced if requested in writing (Approval Required)
- ❑ May be taken in the pay period earned
- ❑ Right of employee; subject to approval of the supervisor
- ❑ Can be denied based on mission requirements

# LEAVE WITHOUT PAY (LWOP): “KA”

- No entitlement, except:
  - ▣ Disabled veterans for medical treatment of disability
  - ▣ Employees receiving Workers' Compensation payments
  - ▣ FMLA
  - ▣ State Active Duty (SAD)
- Must be requested by employee & approved by the supervisor (if employee is out of annual leave, supervisor does not have to approve LWOP)
- Supervisor can authorize up to 15 continuous days; over 15 consecutive days requires AAG approval
- Each 80 hours of accumulated LWOP affects the employee's Annual & Sick Leave accrual, & adjusts Within-grade Increases

# MILITARY LEAVE WITHOUT PAY: “KG”

- KG – military leave without pay is used when placed on military orders
- Must submit an SF 52 Absent-US for first full day of ‘KG’
  - ▣ While in an Absent-US status the following types of leave may be used:
    - Military Leave, Annual Leave, Earned Travel Comp, Sick Leave (consistent with statutory and regulatory criteria)
    - HR 11-005 on HRO website



# SICK LEAVE



Out  
Sick

## **Accrual rates:**

- All full-time: 4 hours/pay period
- Part-time: 1 hour/every 20 hours in pay status

*Note: Both categories above include **temporary** employees*

## **Covers**

- Medical, dental, optical exams/treatments
- Personal incapacitation
- Family Care
  - ▣ Sick Leave to Care for Family Member
  - ▣ Bereavement/Family funeral
- Birth/Adoption (Limited – FFLA & FMLA)
- Unlimited carryover balance
- May be advanced; requires memo and medical documentation (up to 240 hours)

# SICK LEAVE USAGE

## LIMITS PER LEAVE YEAR

- No limitation for employee's own personal medical needs
- Up to 13 days (104 hours) for general family care and bereavement
- Up to 12 weeks (480 hours) to care for a family member with a serious health condition
- Must follow leave expectations – see sample

**\*\*If you intend to deny sick leave – call HRO**

# DISABLED VETERAN LEAVE



- ❑ Leave benefit for new Federal employees that is a veteran with a service-connected disability rated at 30 percent or more
- ❑ Leave is available for medical treatment associated with the service connected disability
- ❑ 104 hours available for a 12 month period
- ❑ Coded in ATAAPS as LS with the subcode PW

# FAMILY-FRIENDLY LEAVE

\*Authorized use of sick leave

- Uses for Bereavement/Family Care (up to 104 hours):
  - ▣ Care of family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth
  - ▣ Family medical, dental, or optical exam/treatment
  - ▣ Care for family member who should limit their presence in the community due to risk of exposure to a communicable disease
  - ▣ Make arrangements necessitated by the death of a family member or attend the funeral of a family member
- Uses for Serious Health Condition (up to 420 hours):
  - ▣ Cancer, heart attacks, stroke, severe injury, pregnancy, childbirth
  - ▣ Not intended to cover short-term conditions
- ATAAPS coding: Subcodes utilized
- See OPM website for definition of Family Member

# FAMILY MEDICAL LEAVE ACT (FMLA)

\*Entitlement for eligible employees— unpaid job protected leave

## □ Eligibility:

- Employed for at least 12 months

## □ Approval:

- Request must go through and be approved by HRO
- HRO coordinates with employee/supervisor/respective finance office
- Allows up to 12 weeks of unpaid absence from work (can be used intermittently) in a rolling 12 month period

## □ ATAAPS coding:

- FMLA box needs to be checked in leave request
- Subcodes utilized under Annual Leave (LA), Sick Leave (LS), Compensatory time taken (CT), Leave Without Pay (LWOP)
  - LA/LS/CT/CF can be used while in FMLA as a paid status

# FAMILY MEDICAL LEAVE ACT (FMLA)

## cont'd

### FMLA Uses:

- ▣ Birth of a child or placement of a child for adoption or foster care (must be taken within 1 year of child's birth or placement)
- ▣ To care for the employee's spouse, child, or parent who has a qualifying serious health condition
- ▣ For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job
- ▣ For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status
- ▣ Military Caregiver Leave for a Current Servicemember
- ▣ Limitation: employees may use up to 12 weeks of FMLA coded hours within a rolling 12 month calendar. \* For military caregiver leave the employee can take up to 26 weeks.

# PAID PARENTAL LEAVE

- Applicable to births or placements occurring on or after 1 OCT 20
- Must meet the 12 months of service as with FMLA
- 12 weeks of **PAID** parental leave
- Must be used within 12 months of the date of the birth or placement of the child



# MILITARY LEAVE



- ❑ Permanent and Indefinite Employees that are members of the Reserve Component
- ❑ 15 days – 120 hours each Fiscal Year (1 October)
- ❑ Charged in hourly increments (for hours missed)
- ❑ Paid leave when in a military status
  - ▣ Refer to military leave policy
- ❑ Pro-rated for part-time employees
- ❑ Annual Carryover 120 hours – NTE 240 hours yearly
- ❑ Will not show up on LES until 1 hour of Military Leave is used

# FUNERAL HONORS DUTY



- Employees may volunteer to perform Military Funeral Honors (MFH) and must be in an appropriate leave status while on military orders
- Please contact HRO if you have specific questions regarding individual scenarios

# STATE ACTIVE DUTY (SAD)



- Employees required to perform SAD may use
  - ▣ Annual leave, LWOP (KA), compensatory leave, or the 22 days leave provided under 5 USC 6323 (Law Enforcement Leave)\*
  - ▣ Military Leave or Military LWOP may not be used

\*Contact HRO before use

# VOLUNTARY LEAVE TRANSFER



- Refer to Leave Donation Policy HR 17-001
- Employee can request leave donations using the application process, annual or sick leave accrued or accumulated must be exhausted before any donated leave may be used
- Only annual leave may be donated and can receive leave donations from other agencies

# COMPENSATORY/OVERTIME (Title 5)

- Pre-coordinated time worked for mission requirements (Not call back)
- Must be requested on forms NGB 46-14 Form (Army)
  - ▣ Air- Request through ATAAPS & AF428
- Time off with pay, in lieu of overtime pay
- Advance approval required
- Use within 26 pay periods of earning or forfeit
- CE – Regular Comp Time Earned
- Travel Comp is requested when travel is required during non-duty days/hours (includes weekends) \*Title 5 when traveling is travel comp
  - ▣ Attach itinerary (flight) or google map (driving) to NGB 46-14 (Army)
  - ▣ Refer to attachments for regulations and guidelines for travel comp
  - ▣ **Convert to Mountain Standard Time**
  - ▣ CB – Travel Comp Time Earned

# ADMINISTRATIVE LEAVE- EXCUSED ABSENCE

- CNGBI 1400.25 Vol. 630 Enclosure J
- There are different authorities for permitting Excused Absence depending on the reason
  - ▣ TAG
  - ▣ Supervisor
    - Preventive Health Examinations (up to 4 hours, if balance is below 80 hours)
      - Includes: Screening for prostate, cervical, colorectal, and breast cancer, and screening for sickle cell anemia, blood lead level, and blood cholesterol level. It also provides for all recommended childhood immunizations, well child care, and adult preventive care visits.
    - Blood donation, Registration and voting, Tardiness and brief absences (less than one hour) with justification

# ADMINISTRATIVE OR FACILITY CLOSURES/ SEVERE WEATHER

- CNGBI 1400.25 Vol. 630 Enclosure K
- Administrative dismissal: absence when employees are released from duty because all or part of an activity is closed
- Excused without charge to leave or loss of pay (LV)
- Facility Closures: TAG authority
- Severe Weather:
  - ▣ TAG authority to use LV
  - ▣ “Employees with supervisor permission may use any form of appropriate leave when they are prevented from arriving to work on time, need to leave early to avoid hazardous conditions, or could not return home if they report to work.”



# COURT LEAVE

5 USC 6322(a)

***Covers an employee (perm, indef, temp) who...***

- CNGBI 1400.25 Vol. 630 Enclosure K



# ABSENCE WITHOUT LEAVE (AWOL)

- Elements
  - ▣ Employee was required to be at work/duty station
  - ▣ Employee was absent; and
  - ▣ Absence was not authorized: leave not requested, employee did not have leave to take, or leave request was properly denied
- Absence from duty (i.e., tardiness, leaving work area, wasting time)
- Non-disciplinary pay status, however...
  - ▣ Discipline is certainly appropriate
- Is reversible



# HOLIDAYS

23

- CNGBI 1400.25 Vol. 630 Enclosure K
- All federal employees required to work a holiday are entitled to holiday premium pay\*\*
- Federal employees receive their regular straight-time pay for holidays they are not required to work
- “In lieu of” holiday
  - ▣ When the holiday falls on the employee’s first non-workday (Saturday) the preceding workday is designated the “in lieu of” holiday. When the holiday falls on the second non-workday (Sunday) or third (Monday) non-workday, the next day is designated the “in lieu of” holiday.

**\*\*Holiday work must be directed by the Chief of the Joint Staff or AAG Air/Army**

# HOT TOPICS

24

- FFCRA
  - ▣ Leave available until 31 DEC 20, check FFCRA guidance for reasons and entitlements
- Weather and Safety
  - ▣ Check scenarios in Accounting for Absence During COVID-19 Response on HRO website
- Telework
  - ▣ Flexibilities available, please contact HRO for questions, info available on HRO website
- Ready, Willing and Able (if employee shows up sick)

# QUESTIONS

## □ An employee on SAD orders may use what type of leave?

- Annual leave, LWOP (KA), compensatory leave, or the 22 days leave provided under 5 USC 6323 (Law Enforcement Leave)\*
- Military Leave or Military LWOP may not be used

## □ For what purposes may sick leave be used? Are there limits?

Medical, dental, optical exams/treatments, Personal incapacitation, Family Care, Sick Leave to Care for Family Member, Bereavement/Family funeral

No limit for your own personal medical needs, up to 104 hours for bereavement/family care, up to 480 to care for a family member with a serious medical condition. May also be entitled to FMLA which authorizes up to 480 hour of unpaid absence

## □ Can a supervisor deny annual leave?

Yes, based on mission requirements, but should not arbitrarily deny leave.

# LEAVE SCENARIO

- **What are your expectations for your employee to show up to work on time?**

Did you set and/or explain your expectations to your employee. (During in-processing)

- **Make a list your expectations for being on time and reporting requirements if late.**

**You can use the Leave Expectations template**

# Federal Employee Benefits



# Benefits Available

- ▶ FEHB
- ▶ FEDVIP
- ▶ FEGLI
- ▶ FSA
- ▶ FLTCIP
- ▶ FERS
- ▶ TSP
- ▶ EAP
- ▶ ACHD
- ▶ NGAUS Disability Insurance

# FEHB – Federal Employee Health Benefits

To see a list of all available plans visit:

<http://www.opm.gov/insure>



- ▶ Normally, the effective date will be the first day of the next pay period after the election is made
- ▶ A new employee has 60 days to make an election from appointment date (not automatically enrolled)
- ▶ 60 days to make changes with a Qualifying Life Event (QLE)
- ▶ Open Season 2<sup>nd</sup> Monday in November to 2<sup>nd</sup> Monday in December – effective 1<sup>st</sup> full pay period in January
- ▶ Employees eligible for FEHB can also be enrolled in a Flexible Spending Account (FSA)

# FEDVIP – Supplemental Dental/Vision

- ▶ Stand alone dental and vision insurance
- ▶ Enroll in dental, vision, or both
- ▶ 60 days to enroll from appointment date
- ▶ Enroll/change during annual open season
- ▶ Do not have to enroll in a FEHB to have dental and/or vision insurance
- ▶ 60 days to make changes with a Qualifying Life Event (QLE)



# FEHB and Temporary Federal Employees

- ▶ Temporary Employees brought on for 90 days or more become ineligible for Tricare Reserve Select and eligible for a FEHB plan once they reach day 90 of their appointment
- ▶ Temporary employees must terminate their TRS coverage and enroll into a FEHB plan

**Note 1:** TRICARE will retroactively terminate your TRS coverage based on your FEHB eligibility date you place in the date field on the website

**Note 2:** Normally, the effective date will be the first day of the next pay period after the election is made.

**Note 3:** The HRO Office recommends that a technician coordinate the date of FEHB eligibility with the cancellation of TRS coverage on the [www.dmdc](http://www.dmdc) website

# FEHB and Temporary Employees

## ► Supervisors:

- Communicate with your temporary employees about the use of TRS and FEHB before you create the SF52
- If your temporary employee intends to be eligible for TRS, they cannot have an appointment above 89 days
- Employees with TRS should first enroll in FEHB before they cancel their TRS
- Their TRS cancellations need to be one day before or on their FEHB effective date

# FEGLI – Federal Employees Group Life Insurance

- ▶ Employees are automatically enrolled in Basic coverage (unless employee waives coverage; after appointment date)
- ▶ 60 days to elect optional coverage from appointment date
- ▶ 60 days to make changes with a Qualifying Life Event (QLE—Only 4: Marriage, Divorce, Birth/Adoption, Death of Spouse)

NOTE: If previously waived, basic coverage may be obtained with a “clean bill of health” from a doctor (not a PA)

# Where do my employees go to elect and enroll in these benefits?

- ▶ GRB Platform
  - ▶ FEHB, FEGLI, and TSP % <https://abc.army.mil>
- ▶ TSP Fund Allocation [www.tsp.gov](http://www.tsp.gov)
- ▶ Flexible Spending Account (FSA) [www.fsafeds.com](http://www.fsafeds.com)
- ▶ Supplemental Dental and/or Vision Insurance [www.benefeds.com](http://www.benefeds.com)



# Employee Separations

- ▶ After resignation, termination or retirement the employee is eligible:
  - ▶ For all unpaid annual leave to pay out
  - ▶ 31 days of continued coverage of FEHB (NOT supplemental dental or vision)
  - ▶ For the option of rolling the FEHB and/or FEGLI into another individual plan
  - ▶ To opt for a refund of their retirement contributions after being separated for 31 days
- ▶ Loss of technician position due to loss in military membership:
  - ▶ If not eligible to retire, employee may be eligible for severance pay
  - ▶ DoD Priority Placement Program (PPP) may be an option

# Employee Assistance Program (EAP)

- ▶ Recognizing Employee Problems
  - ▶ Behavior
  - ▶ Attendance
  - ▶ Performance
- ▶ During counseling for such problems, you may want to suggest use of EAP

Call: **888.290.4327**

TDD: 800.697 .0353

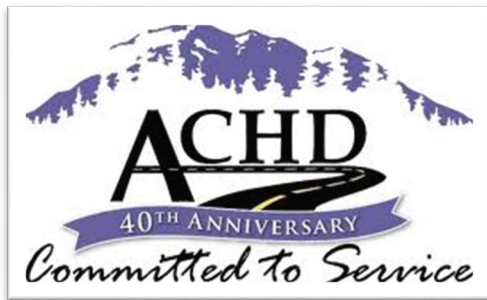
Online: **guidanceresources.com**

Your company Web ID: **GOVEAP**

Company name: **Army** (enter a space after the letter 'y')

# ACHD Commuteride Mass Transit

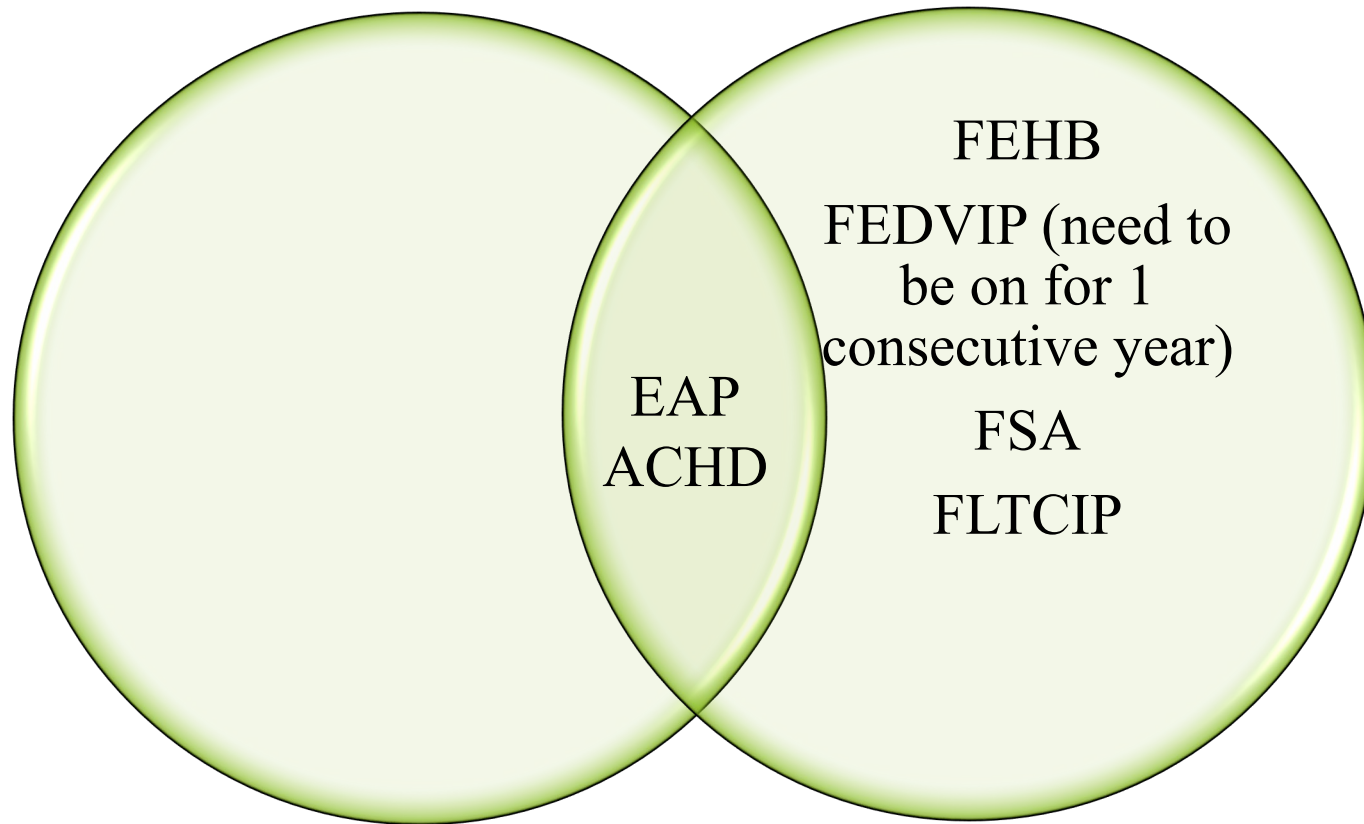
- This program is available for all Federal Employees
- Current maximum benefit is \$255.00 per month per rider (rate is determined by HOR/Location of Vanpool)



ACHD Commuteride  
Carpool and Vanpool  
Services  
345-POOL (7665)  
[www.Commuteride.com](http://www.Commuteride.com)

# Benefits available to Temporary Technicians

Under 90 days    Over 90 days



# Leave Without Pay (LWOP)

- ▶ 1. Employees covered under life insurance can be on LWOP for up to 12 months without being liable for the premiums.
- ▶ 2. Employees covered under health insurance are responsible for their premiums and notifying HRO of how they plan to pay their premiums while on Personal LWOP. They make their election with their HR rep.
- ▶ 3. Any personal LWOP (KA) <80 hours requires a request thru HRO to the Assistant Adjutant General (Army/Air)

# Questions?



Remember: In-processing folders are provided to help guide all new federal employees in choosing and setting up their entitled benefits

# Review

- ▶ When is the employee's FEHB election effective?
- ▶ How long does a new employee have to elect their benefits?
- ▶ Where do employees go to elect/change their benefit elections?
- ▶ Are employees automatically enrolled in FEHB?



# Workers' Compensation (OWCP)



**ASHLEE M. MICKELSEN AND RICHARD D. EISELE**

**INJURY COMPENSATION PROGRAM ADMINISTRATOR (ICPA)**

**422-3349 AND 272-4222**

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# Office of Workers' Compensation

- ▶ National Guard Technicians are covered by Federal Employees' Compensation Act (FECA)
- ▶ Administered by the U.S. Department of Labor



# What is FECA?

## Federal Employees' Compensation Act

- ▶ Benefits paid if injured or killed while in the performance of Technician duties.
- ▶ Employees and/or dependents cannot sue the U.S. for damages due to work related injury or death
- ▶ Benefits are paid by the Department of Labor and are reimbursed by the Department of Defense
- ▶ May be as a result of traumatic injury or occupational disease/illness
- ▶ Only employees, not the agency can appeal OWCP decisions



# Traumatic Injury vs. Occupational Disease

- ▶ A specific injury identifiable by time and place of occurrence, body part affected, and by a single incident or within one work shift (i.e.-wound, stress, strain).
- ▶ Condition produced by systemic infections, prolonged exposure to toxins, or repeated stress (i.e.-carpal tunnel syndrome).

# Employee Responsibilities

- ▶ Observe safety regulations, report hazards, and notify supervisor immediately if injured
- ▶ Obtain medical evidence and duty status reports from their physician(s)
- ▶ Cooperate with light duty job placement
- ▶ Monitor their claim as if it were submitted to their own insurance – it is their claim, not the agency's





# Supervisor Responsibilities

- ▶ Complete and submit forms in timely manner to HRO (CA-1, OSHA 301, CA-2, CA-7)
- ▶ Process Continuation of Pay (COP) when applicable
- ▶ Track injured employee's medical status & availability of work
- ▶ Offer light duty if applicable (CA-17)



# Primary Steps

- ▶ Seek medical treatment at a FECA Enrolled Provider
- ▶ Call ICPA for CA 16 if needed
- ▶ File claim with employee on ECOMP
- ▶ Upload initial medical documents on ECOMP
- ▶ Ask if employee has temporary work restrictions
- ▶ Prepare light duty memo if needed
- ▶ Contact HRO-ICPA if unable to accommodate light duty
- ▶ Check for lost military earnings during COP period



# Common Problems

- ▶ Delay in filing and approving CA -1 to begin process of obtaining claim number
- ▶ Incorrect supervisor email being entered by employee in ECOMP
- ▶ Unpaid bills due to rejects or improper submission to DOL (payment made by employee's FEHB)
- ▶ Accommodating temporary light duty restrictions
- ▶ Applying for compensation outside of the 45 day Continuation of Pay period
- ▶ Call ICPA if any aspect of the claim is questioned (controvert) before inputting claim into ECOMP
- ▶ PT Policy agreement not uploaded for PT injuries



# Telework

- ▶ Employees may be in the performance of duty while teleworking
  - DOL evaluates this on a case-by-case basis
- ▶ “Personal Comfort” doctrine does not apply
- ▶ Injury claims while teleworking will include:
  - Telework agreement
  - Work employee was performing when injured
  - Official supervisor opinion on whether employee was performing official duties at the time of injury

# Telework

## Notable Cases

### *A.A. and the Department of Treasury*

IT specialist sustained injuries when his motorcycle was struck by another vehicle while traveling from the employing agency's premises to his home. Claimant noted he went to employing agency's premises to perform union duties and was going home to finish the day with telework. ECAB found OWCP properly denied the claim as the claimant was no longer engaged in representational functions, and was injured off premises and not a place where the claimant could be reasonably expected to be in connection with his employment.

### *D.C. and Social Security Administration*

Employee filed a traumatic injury claim alleging he injured his back when he slipped and fell while taking a break from teleworking. The injury occurred at 8:15 a.m. at the front door of his residence when he stepped outside for some air. The ECAB found OWCP properly denied the claim as the claimant's injury did not occur in the performance of duty. The claimant's action in taking a break to walk outside was for his own personal comfort, which is not applicable to an employee injured at his own residence.

# Questions



Work smarter, Not harder

# Workplace Injury Example

- ▶ John Doe is working on the flight line. He/she is moving some pallets and boxes of parts from the flight line to inside storage with the help of another employee.
- ▶ While carrying one of the boxes he/she trips on an uneven surface and falls.
- ▶ He seriously hurts his ankle and is unable to walk on it.
- ▶ What do you do?

# Injured Employee

## ► Step One

- Notify your supervisor of the accident and injury.

## ► Step Two

- Get a Conduent card, CA-16 (w/supervisor portion completed), CA-17, and list of medical facilities you can go to.

## ► Step Three

- Get to the closest medical facility for diagnosis that is a Provider enrolled in FECA. Maybe call ahead.

## ► Step Four

- Fill out all required medical documents and get copies to bring back and upload to ECOMP.

## ► Step Five

- Create login to ECOMP, create OSHA 301, create CA-1, and upload medical documentation.

## ► Step Six

- Follow up with HRO to get claim number.

## ► Step Seven

- Complete CA17 and take to employees perspective occupational health agency.



# Supervisor of Injured Employee

## ► **Step One**

- Provide injured employee a CA-16, Conduent Card, CA-17, and list of covered medical facilities (Provider enrolled in FECA).

## ► **Step Two**

- Contact HRO to inform them that there was an accident.

## ► **Step Three**

- Ensure the member enrolls in ECOMP and complete all needed items and upload medical documents.

## ► **Step Four**

- Verify employee's verification and documentation of the OSHA-301 and CA-1.

## ► **Step Five**

- Communicate with the employee that their claim has been forwarded for approval.

## ► **Step Six**

- Work with employee and occupational health for any reasonable accommodations and/or limitations.



## OWCP Quiz:

**What forms do you need to send with your employee?**

- a) C-4, Convalescent Card, and OSHA 201
- b) CA-16, CA-17, and Conduent Card
- c) R-2, C-3PO, and Travel Card

## OWCP Quiz:

**What medical facility should the injured employee go to?**

- a) One that is FECA qualified
- b) Only ones located in Canyon County
- c) Facilities with entrances

## OWCP Quiz:

**What website is used to create a claim in?**

- a) OWCP
- b) Gowen Field HRO
- c) ECOMP

## **OWCP Quiz:**

**Where would the employee take their CA-17 in order to get a Light Duty Memo?**

- a) Gowen Field HRO
- b) Occupational Health
- c) Billeting



**Thank You.**

# What A Federal Employee Should Do When Injured At Work



Report to Supervisor	Every job-related injury should be reported as soon as possible to your supervisor. Injury also means any illness or disease that is caused or aggravated by the employment as well as damage to medical braces, artificial limbs and other prosthetic devices.
Obtain Medical Care	Before you obtain medical treatment, ask your supervisor to authorize medical treatment by use of form CA-16. You may initially select the physician to provide necessary treatment. This may be a private physician or, if available, a local Federal medical officer/hospital. Emergency medical treatment may be obtained without prior authorization. Take the form CA-16 and form OWCP-1500/HCFA-1500 to the provider you select. The form OWCP-1500/HCFA 1500 is the billing form physicians must use to submit bills to OWCP. Hospitals and pharmacies may use their own billing forms. On occupational disease claims form CA-16 may not be issued without prior approval from OWCP.
File Written Notice	In traumatic injuries, complete the employee's portion of Form CA-1. Obtain the form from your employing agency, complete and turn it in to your supervisor as soon as possible, but not later than 30 days following the injury. For occupational disease, use form CA-2 instead of form CA-1. For more detailed information carefully read the "Benefits ..." and "Instructions ..." sheets which are attached to the Forms CA-1 and CA-2.
Obtain Receipt of Notice	A "Receipt" of Notice of Injury is attached to each Form CA-1 and Form CA-2. Your supervisor should complete the receipt and return it to you for your personal records. If it is not returned to you, ask your supervisor for it.
Submit Claim For COP/Leave and/or Compensation For Wage Loss	If disabled due to traumatic injury, you may claim continuation of pay (COP) not to exceed 45 calendar days or use leave. A claim for COP must be submitted no later than 30 days following the injury (the form CA-1 is designed to serve as a claim for continuation of pay). If disabled and claiming COP, submit to your employing agency within 10 work days medical evidence that you sustained a disabling traumatic injury. If disabled beyond the COP period, or if you are not entitled to COP, you may claim compensation on form CA-7 or use leave. If disabled due to occupational disease, you may claim compensation on form CA-7 or use leave. A claim for compensation for disability should be submitted as soon as possible after it is apparent that you are disabled and will enter a leave-without-pay status.

The Federal Employees' Compensation Act (FECA) is administered by the U.S. Department of Labor, Office of Workers' Compensation Programs (OWCP). Benefits include continuation of pay for traumatic injuries, compensation for wage loss, medical care and other assistance for job-related injury or death. For additional information about the FECA, read pamphlet CA-11, "When Injured at Work" or Federal Personnel Manual, Chapter 810, Injury Compensation, available from your employing agency. The agency will also give you the address of the OWCP Office which services your area.

## Post on Employees' Bulletin Board

U.S. Department of Labor  
Office of Workers' Compensation Programs



# SUPERVISOR'S OWCP CHECKLIST

Name: \_\_\_\_\_

DOI: \_\_\_\_\_

Claim #: \_\_\_\_\_

## 1. Injury Reported -

- ☐ Employee reports incident by completing OSHA form at website <https://www.ecomp.dol.gov/#>
- ☐ Employee may then access CA 1, Traumatic Injury or CA 2, Occupational Disease claim form
- ☐ Supervisor receives email notice of OSHA form and or CA 1 or 2 form to complete

## 2. Notify Safety -

- ☐ Employee completes OSHA 301 prior to filing claim and OSHA 301 is forwarded to Safety

## 3. Medical Documentation – *Must be signed by physician*

- ☐ CA-16, Authorization for examination (only issue within 48hrs of injury)
- ☐ CA-20, Attending Physician's Report (each time medial treatment received)
- ☐ CA-17, Duty Status Report (must submit after each treatment)
- ☐ Injured employee must notify physician that Agency offers light duty

## 4. Continuation of Pay (COP) – *Must be supported by medical documentation*

- ☐ **45 calendar days entitlement following date of traumatic injury**
- ☐ Time card code for COP: LU for date of injury and LT 45 days after injury
- ☐ Four digit code for time card is month and day of injury
- ☐ If claim is denied, change COP to LS, LA or LWOP
- ☐ Notify ICPA when COP is used

## 5. Medical Authorization – *Must be supported by medical justification*

- ☐ Physician requests authorization: phone (844) 493-1966, fax (800) 215-4901, <http://owcpmed.dol.gov>
- ☐ Medical Provider must have **ACS Provider Number** to receive authorization
- ☐ Physician must state ICD9/ICD10, diagnosis code and CPT, procedure code

## 6. Compensation after 45 days – *IF NEEDED - Must be supported by medical documentation*

- ☐ Must be in LWOP (Leave Without Pay) status
- ☐ CA-7, Claim for Compensation (submit every two weeks)
- ☐ SF-1199A, Direct Deposit Sign-up
- ☐ After 80hrs of LWOP, submit SF-52 to HRO requesting LWOP status
- ☐ Pay rate is three-fourths (3/4) *with* dependents and two-thirds (2/3) *without* dependents

## 7. Medical Bills –

- ☐ Website: <http://owcpmed.dol.gov> (**Provider search is available on this site**)
- ☐ Medical Provider must have **ACS Provider Number** to receive payment
- ☐ Bills submitted manually must be submitted on HCFA-1500 or UB-04

Mailing Address: US Dept of Labor-OWCP      ACS Customer Service: (844) 493-1966  
PO Box 8300  
London, KY 40742-8300

## 8. Reimbursement – *IF NEEDED*

- ☐ OWCP-915 - Medical and OWCP-957 - Travel – Submit with required documentation to ICPA

## 9. Agency Point of Contact – ICPA: Ashlee Mickelsen

State Headquarters Idaho National Guard  
Address 4794 General Manning Ave  
Street Bldg 442  
City/State/Zip Boise, ID 83705-8112

Phone: 208-422-3349  
Fax: 208-422-3332  
E-mail: [ashlee.m.mickelsen.civ@mail.mil](mailto:ashlee.m.mickelsen.civ@mail.mil)



# Authorization for Examination And/Or Treatment

## U.S. Department of Labor Office of Workers' Compensation Programs



The following request for information is required under (5 USC 8101 et. seq.). Benefits and/or medical services expenses may not be paid or may be subject to suspension under this program unless this report is completed and filed as requested. Information collected will be handled and stored in compliance with the Freedom of Information Act, the Privacy Act of 1974 and OMB Cir. No. 130. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. NOTE: THIS FORM IS NOT TO BE REPRODUCED OR DUPLICATED (See Instructions). IF INSTRUCTIONS ARE SEPARATED FROM THIS FORM, REFER TO FORM INFORMATION <https://www.dol/owcp/dfec>

OMB No.: 1240-0046  
Expires: 03-31-2021

### PART A - AUTHORIZATION

1. Name and Address of the Medical Facility or Physician Authorized to Provide the Medical Service within the meaning of FECA (See Instructions for definition of a qualified physician):



2. Employee's Identification (last, first, middle, SSN)

3. Date of Injury (mo. day, yr.)

4. Occupation

5. Description of Injury or Disease:

6. You are authorized to provide medical care for the employee for a period of up to sixty days from the date shown in item 3, subject to the condition stated in item A, and to the condition indicated in either 1 or 2, item B.

A. Your signature in item 35 of Part B certifies your agreement that all fees for services shall not exceed the maximum allowable fee established by OWCP and that payment by OWCP will be accepted as payment in full for said services. PLEASE NOTE THIS AUTHORIZATION DOES NOT INCLUDE PRESCRIPTIONS FOR COMPOUND MEDICATIONS. SEE INSTRUCTIONS FOR ADDITIONAL MEDICAL INFORMATION.

B. ☐ 1. Furnish office and/or hospital treatment as medically necessary for the effects of this injury. Any surgery other than emergency must have prior OWCP approval.

☐ 2. There is doubt whether the employee's condition is caused by an injury sustained in the performance of duty, or is otherwise related to the employment. You are authorized to examine the employee using indicated non-surgical diagnostic studies, and promptly advise the undersigned whether you believe the condition is due to the alleged injury or to any circumstances of the employment. Pending further advice you may provide necessary conservative treatment if you believe the condition may be to the injury or to the employment.

7. If a Disease or Illness is Involved, OWCP Approval for Issuing Authorization was Obtained from (Type Name and Title of OWCP Official)

8. Name and Address of Employee's Place of Employment



Department or Agency:

Bureau or Office:

Local Address (Including Zip Code)

9. Local Employing Agency Telephone Number (Including Area Code):

10. Name and Title of Authorized Official (Type or Print Clearly): (See Instructions)

11. Send one copy of your report to:

**U.S. DEPARTMENT OF LABOR**  
DFEC CENTRAL MAILROOM  
P.O. BOX 8300  
LONDON, KY 40742-8300

12. I certify that I am the individual authorized by my employing agency to issue this form concerning medical treatment. I further certify that the information provided above is true and accurate to the best of my knowledge and belief. I realize that any person who knowingly makes any false statement or misrepresentation to obtain FECA compensation is subject to civil or administrative remedies as well as criminal prosecution.

13. Remarks (See Instructions under Authorized Official):

Signature of Authorizing Official/Date (Month, Day/Year)

If you have a disability and are in need of communication assistance (such as alternate formats or sign language interpretation), accommodations and/or modifications, please contact OWCP. See form instructions for REQUESTS FOR ACCOMMODATIONS OR AUXILIARY AIDS AND SERVICES.

**PART B - ATTENDING PHYSICIAN'S REPORT**

14. Employee's Name (Last, first, middle)

15. What History of the Employment Injury or Disease Did The Employee Give To You?

16. Is there any History or Evidence of Concurrent or Pre-existing Injury, Disease, or Physical Impairment? (If yes, please describe)

☐ Yes ☐ No

16a. ICD Code(s)

17. What are Your Findings? (Include results of X-rays, laboratory tests, etc.)

18. What is the Diagnosed Condition(s)

18a. ICD Code(s)

19. Do You believe the Condition(s) Found was Caused or Aggravated by the Employment activity Described? (Please explain your answer if there is doubt)

☐ Yes ☐ No

20. Did Injury Require Hospitalization? If yes, date of admission (mo., day, year) Date of discharge (mo., day, year)

☐ Yes ☐ No

21. Is Additional Hospitalization Required?

☐ Yes ☐ No

22. Surgery (If any, describe type)

23. Date Surgery Performed (mo., day, year)

24. What (Other) Type of Treatment Did You Provide?

25. What Permanent Effects, If Any, Do You Anticipate?

26. Date of First Examination (mo., day, year)

27. Date(s) of Treatment (mo., day, year)

28. Date of Discharge from Treatment (mo., day, year)

29. Period of Disability (mo., day, year) (If termination date unknown, so indicate)

Total Disability: From To  
Partial Disability: From To

30. Is Employee Able to Resume

☐ Light Work Date:  
☐ Regular Work Date:

31. If Employee Is Able to Resume Work, Has He/She been Advised?

☐ Yes ☐ No If Yes, Furnish Date Advised

32. If Employee is Able to Resume only Light Work, Indicate the Extent of Physical Limitations and the Type of Work that Could Reasonably be Performed with these Limitations.

33. General Remarks and Recommendations for Future Care, if indicated. If you have made a Referral to Another Physician or to a Medical Facility, Provide Name and Address.

34. Do You Specialize? ☐ Yes ☐ No (If yes, state specialty)

35. I certify that all the statements in this form are true and accurate to the best of my knowledge and belief. Further, I understand that any person who knowingly makes any false statement, misrepresentation, concealment of fact, or any other act of fraud, to obtain compensation as provided by the FECA, including payment for medical treatment or supplies, or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment, or both, and that physicians are subject to criminal and civil prosecution. In addition, a state or federal criminal conviction for FECA fraud will result in a beneficiary's termination of all current and future FECA benefits.

36. Address (No., Street, City, State, ZIP Code)

37. Tax Identification Number

39. Date of Report

38. National Provider System Number

Print/Typed Name/Signature of Physician (See Instructions for Definition)

PAYMENT/MEDICAL BILLING: This CA-16 guarantees payment to the original treating physician (or any physician to whom the employee was referred by the original treating physician) for 60 days from date of issuance unless OWCP terminates this authority at an earlier date. Treatment may continue at OWCP expense if the claim is approved. Charges for your services should be presented on the AMA standard "Health Insurance Claim Form" (HCFA-1500, OWCP-1500, OWCP-04 or the UB-04). Physician services must be itemized by Current Procedural Terminology Code (CPT) using current CPT-4 coding schema; or, the UB-04 and the coding schemas acceptable on this form.

**INSTRUCTIONS FOR AUTHORIZING OFFICIAL FOR COMPLETION OF PART A. PLEASE READ FIRST.** The CA-16 is solely used by the employing agency to authorize emergency care to an injured employee. To protect against potential fraud and abuse, it is important that this form not be duplicated or reproduced **without express written consent by OWCP to include via electronic means (including Internet postings).** **PLEASE ENSURE THESE INSTRUCTIONS ACCOMPANY THE CA-16 FORM.**

**AUTHORIZING  
OFFICIAL**

- Authorized personnel may include an Injury Compensation Specialist, Safety Specialist, or Human Resources Specialist whose current position includes duties relate to the FECA program. The injured employee's Supervisor or other individual in their supervisory chain of command at the time of injury may also sign and issue this form. If you are other than these noted, please explain in the Remarks section, item 13 of the CA-16 the circumstances which required issuance by you and to what authority, if applicable. Please be aware that union officials, claimant representatives, or others may not serve as an authorizing official unless they meet the criteria listed above.

**SELECTION OF  
PHYSICIAN**

- A Federal employee injured by accident while in the performance of duty has the initial right to select a physician of his/her choice to provide necessary treatment. The supervisor shall immediately authorize examination and appropriate medical care by use of Form CA-16 issued to either a United States medical office or hospital or any duly qualified physician/ hospital of the employee's choice.
- If an employee elects to be treated by a private physician; a copy of the American Medical Association Standard Billing Form (AMA) OWCP-1500 should be supplied together with the submitted Form CA-16. Additionally, medical providers should register with the OWCP Medical Bill Processing Contractor in order to receive payment. Further information can be found on the DFEC website at <https://www.dol.gov/owcp/dfec/>
- If an employee, in an emergency situation has to be sent and/or admitted to an Acute Care Facility for emergency surgery or care, a copy of the OWCP Uniformed Billing Form (UB-04-1450) should be supplied together with the submitted Form CA-16.
- A physician who is excluded from the FECA program as provided at 20 CFR 10.815-826 may not be authorized to examine or treat an injured Federal employee.
- Generally, a roundtrip distance of up to 100 miles from the place of injury, employing agency, or the employee's home is a reasonable distance to travel for medical care; however, other pertinent factors must also be considered. For non-emergency medical treatment, if roundtrip travel of more than 100 miles is contemplated, or air transportation or overnight accommodations will be needed, submit a written request to OWCP for prior authorization with information describing the circumstances and necessity for such travel expenses.

**PERIOD OF  
AUTHORIZATION**

- Form CA-16 is valid for up to sixty days from date of injury, and may be terminated earlier upon written notice from OWCP to the provider. It should not be used to authorize a change of physicians after the initial choice is exercised by the employee.

**FEDERAL MEDICAL  
FACILITIES**

- U. S. Medical Facilities include Army, Navy, Air Force or the VA. Federal health service facilities (health units) established under 5 USC 7901 are not U.S. medical facilities as used herein (see 20 CFR 10.300).

**DEFINITION OF  
INJURY**

- The term "injury" includes damage to or destruction of medical braces, artificial limbs and other prosthetic devices. Eyeglasses and hearing aids are included only if the damages were incidental to a personal injury which required medical services. Treatment for illness or disease should not be authorized unless approval is first obtained from OWCP. Simple exposure to a workplace hazard, such as an infectious agent, does not constitute a work place injury, entitling an employee to medical treatment under FECA.

**QUALIFIED  
MEDICAL  
FACILITY/  
PHYSICIAN**

- *Qualified hospital* means any hospital licensed as such under State law which has not been excluded by the FECA program in accordance with its governing regulations. Except as otherwise provided by regulation, a qualified hospital shall be deemed to be designated or approved by OWCP.
- *Qualified provider of medical support services or supplies* means any person, other than a physician or a hospital, who provides services, drugs, supplies and appliances for which OWCP makes payment who possesses any applicable licenses required under State law, and who has not been excluded.
- The term "physician" includes doctors of medicine (MDs), surgeons, podiatrists, dentists, clinical

psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. The reimbursable services of chiropractors under the FECA are limited by statute to physical examination related laboratory test and X-rays to diagnose a subluxation of the spine and treatment consistent of manual manipulation of the spine to correct a subluxation demonstrated by X-ray.

- Qualified physician means any physician who has not been excluded under the provisions of subpart I of this part. Except as otherwise provided by regulation, a qualified physician shall be deemed to be designated or approved by OWCP. (See 20 CFR. 10.5, WHAT DEFINITIONS APPLY TO REGULATIONS IN THIS SUBCHAPTER)
- Part A shall be completed in full by the authorizing official. The authorization is not valid unless the name and address of the physician or hospital is entered in Item 1 and the signature of the authorizing official appears in Item B. Check B1 or B2 in Item 6, whichever is appropriate.

## **FORM COMPLETION**

- Send the completed form to the OWCP address shown in item 11. Send original and one copy of Form CA-16 to the medical officer or physician. If issued for illness or disease, a copy must also be sent to OWCP.

## **ADDITIONAL INFORMATION**

- See 20 CFR and/or Publication CA-810, Injury Compensation for Federal Employees.

## **REQUESTS FOR ACCOMMODATIONS OR AUXILIARY AIDS AND SERVICES**

- If you have a disability, federal law gives you the right to receive help from the OWCP in the form of communication assistance, accommodation(s) and/or modification(s) to aid you in the claims process. For example, we will provide you with copies of documents in alternate formats, communication services such as sign language interpretation, or other kinds of adjustments or changes to accommodate your disability. Please contact our office or your OWCP claims examiner to ask about this assistance.

## INSTRUCTIONS FOR AUTHORIZED PHYSICIAN/MEDICAL FACILITY FOR COMPLETION OF PART B

### YOUR AUTHORIZATION

- Please read Part A of Form CA-16. You are authorized to examine and provide treatment for the injury or disease described in Item 5, for a period of not more than 60 days from the date of injury, subject to the conditions in Item 6. A physician who is debarred from the FECA program as provided at 20 CFR 10.815-826 may not be authorized to examine or treat an injured Federal employee. Authorization may be terminated earlier upon written notice from OWCP. For extension of the authorization to treat beyond the 60 day period, forward your request to the address shown in Part A. Item 11.
- This form covers office visits and consultations, laboratory work, hospital services (including inpatient), x-rays, MRIs, CT scans, physical therapy, emergency services (including surgery) and chiropractic services. Chiropractic services are limited to charges for physical examinations and x-rays to diagnose a subluxation of the spine and treatment consisting of manual manipulation of the spine to correct a subluxation demonstrated by x-ray.
- This form does not cover elective and non-emergency surgery, home exercise equipment, whirlpools, mattresses, spa/gym membership and work hardening programs. **ALSO, PLEASE NOTE THIS AUTHORIZATION DOES NOT INCLUDE PRESCRIPTIONS FOR COMPOUND MEDICATION.**

### USE OF CONSULTANTS AND HOSPITALS

- You may utilize consultants, laboratories and local hospitals, if needed. A private room may be authorized only if the diagnosed condition is medically necessary as determined by the treating physician and concurred by the OWCP District Medical Advisor. Ancillary treatment may be provided to a hospitalized employee as necessary.

### REPORTS

- After examination, complete items 14 through 39, of Part B, and send your report, together with any additional narrative or explanatory material, to the address listed in Part A, item 11. If the employee sustained a traumatic injury and is disabled for work, reports on Form CA 17, "Duty Status Report" may be required by the employing agency during the first 45 days of disability. If disability continues beyond 45 days, monthly reports should be submitted. Reports from all consultants are also required. Delay in submitting medical reports may delay payment of benefits.

### RELEASE OF RECORDS

- Injury reports are the official records of OWCP. They shall not be released to anyone nor may any other use be made of them without the approval of OWCP.

### BILLING FOR SERVICES

- All medical providers must be enrolled with our Medical Bill Processing Contractor in order to receive authorization and payment. Additional information can be found on our website at [www.dol.gov/owcp/dfec](http://www.dol.gov/owcp/dfec).
- If an employee elects to be treated by a private physician, a copy of the American Medical Association Standard Billing Form (AMA) OWCP-1500 should be supplied together with the submitted Form CA-16.
- OWCP requires that when services are provided by a private physician, charges be itemized using the AMA standard Health Insurance Claim Form, HCFA-1500/OWCP-1500. The form should contain appropriate International Classification of Disease (ICD) coding schemas in Block-21, and related correctly to the Diagnosis Pointers referenced in Block 24E. The form should also identify services rendered using the Current Procedural Terminology (CPT-4), and HealthCare Common Procedure Codes (HCPC) schemas.
- OWCP requires that when services are performed in an emergency situation, and in an Acute Care Facility for emergency surgery or care, a copy of the OWCP Uniformed Billing Form (UB-04-1450), should be supplied together with the submitted Form CA-16. The form should contain the appropriate International Classification of Diseases (ICD) coding schemas in Blocks 66-70, and reference any surgical procedures performed in the facility in Blocks 74a-74e using the International Classification of Disease (ICD) Surgical Procedure Codes. The UB-04 should be itemized in Block #42 in a summarization listing all ancillary services performed during the stay, and each service; (radiology, Labs, pharmacy, supplies, etc.,) should be referenced using Revenue Center Codes (RCC). Payment for chiropractic services is limited to charges for physical examinations, related laboratory tests, and X-rays to diagnose a subluxation of the spine; and treatment consisting of manual manipulation of the spine to correct a subluxation demonstrated by X-ray.

### TAX IDENTIFICATION NUMBER

- The Provider/Facility Tax Identification Number (TIN) is an important identifier in the OWCP system. To ensure accurate processing and to reduce inaccuracy of payment, the provider billing on an OWCP-1500 billing form should reference the TIN (Employer Identification Number or SSN in Block #25), and indicate this identifier on all submitted reports and billings submitted consistently. The Tax Identification Number for Facilities billing on the UB-04 Billing form, should reference their Federal Tax Identification number in Block #5.

## **ADDITIONAL INFORMATION**

- Refer to Information for Medical Providers at <http://www.dol.gov/owcp/dfec/>

## **REQUESTS FOR ACCOMMODATIONS OR AUXILIARY AIDS AND SERVICES**

- If you have a disability, federal law gives you the right to receive help from the OWCP in the form of communication assistance, accommodation(s) and/or modification(s) to aid you in the claims process. For example, we will provide you with copies of documents in alternate formats, communication services such as sign language interpretation, or other kinds of adjustments or changes to accommodate your disability. Please contact our office or your OWCP claims examiner to ask about this assistance.

## **PUBLIC BURDEN STATEMENT**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average five minutes per response, including time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is voluntary (5 U.S.C. 8101 et seq.) to obtain or retain a benefit. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Workers' Compensation Programs, U.S. Department of Labor, Room S3229, 200 Constitution Avenue, N.W., Washington, D.C. 20210, and reference the OMB Control Number 1240-0046. Note: Do not submit the completed claim form to this address.

## **PRIVACY ACT STATEMENT**

In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), you are hereby notified that: (1) The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101, et seq.) (FECA) is administered by the Office of Workers' Compensation Programs of the U. S .Department of Labor, which receives and maintains personal information on claimants and their immediate families. (2) Information which the Office has will be used to determine eligibility for and the amount of benefits payable under the FECA, and may be verified through computer matches or other appropriate means. (3) Information may be given to the Federal agency which employed the claimant at the time of injury in order to verify statements made, answer questions concerning the status of the claim, verify billing, and to consider issues relating to retention, rehire, or other relevant matters. (4) Information may also be given to other Federal agencies, other government entities, and to private-sector agencies and/or employers as part of rehabilitative and other return-to-work programs and services. (5) Information may be disclosed to physicians and other healthcare providers for use in providing treatment or medical/vocational rehabilitation, making evaluations for the Office, and for other purposes related to the medical management of the claim. (6) Information may be given to Federal, state and local agencies for law enforcement purposes, to obtain information relevant to a decision under the FECA, to determine whether benefits are being paid properly, including whether prohibited dual payments are being made, and, where appropriate, to pursue salary/ administrative offset and debt collection actions required or permitted by the FECA and/or the Debt Collection Act. (7) Disclosure of the claimant's social security number (SSN) or tax identifying number (TIN) on this form is mandatory. The SSN and/or TIN, and other information maintained by the Office, may be used for identification, to support debt collection efforts carried on by the Federal government, and for other purposes required or authorized by law. (8) Failure to disclose all requested information may delay the processing of the claim or the payment of benefits, or may result in an unfavorable decision or reduced level of benefits.

Note: This notice applies to all forms requesting information that you might receive from the Office in connection with the processing and adjudication of the claim you filed under the FECA.

## Conduent Card

### Federal Workers' Compensation Medical Billing Information

The person you are treating has filed a **FEDERAL WORKERS' COMPENSATION CLAIM** for their injury. Federal Employees are covered by the U.S. Dept of Labor (DOL), Federal Employees Compensation Act (FECA) for work-related injuries. DOL uses a 3<sup>rd</sup> party billing company called Conduent to process/pay OWCP claims.

**Employer Contact Information:** National Guard Federal Workers Compensation Contact (ICPA):

Name \_\_\_\_\_ Phone \_\_\_\_\_

#### OWCP Medical Provider Enrollment Address:

Conduent – Enrollment Unit Department of Labor

P.O. Box 14600 Tallahassee, FL 32317- 4600

Fax: (888) 444-5335

*This card is provided for informational purposes only and is not a guarantee of payment*

Updated 05/14/2018

### Federal Workers' Compensation Medical Billing Information

Bills can be submitted electronically or by paper to ACS. Please see the information below on bill submission. Prior authorization from ACS is required for certain procedures and services. The treating physician must be a "doctor" as defined by Dept of Labor.

#### Submit Medical Bills & Medical Documentation/Correspondence To

U.S. Dept of Labor OWCP – Central Mailroom, P.O. Box 8300, London KY 40742-8300

Phone (844)493-1966 or Toll Free IVR: (866) 335-8319

Authorization Fax: (800) 215-4901 Conduent Website: <https://owcpmed.dol.gov>

**Prescription Benefit Inquiries:** (866)-664-5581 **Conduent Help Desk For Providers:** (800)461-7485

#### Provider Checklist:

- |   |  |
|---|--|
| <input type="checkbox"/> Provider is enrolled Conduent and has provider number                            | <input type="checkbox"/> Submit bill using the accepted condition/ICD9/ICD10 |
| <input type="checkbox"/> Include FECA 9-digit claim # & Provider # on the medical bills and documentation | <input type="checkbox"/> Submit all medical to Conduent                      |
|   | <input type="checkbox"/> Request prior authorization                         |



OWCP File Number  
(If known)

<b>SIDE A - Supervisor:</b> Complete this side and refer to physician				<b>SIDE B - Physician:</b> Complete this side			
1. Employee's Name (Last, first, middle)				8. Does the History of Injury Given to You by the Employee Correspond to that Shown in Item 5? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, describe)			
2. Date of Injury (Month, day, yr.)		3. Social Security Number					
4. Occupation				9. Description of Clinical Findings			
5. Describe How the Injury Occurred and State Parts of the Body Affected				10. Diagnosis(es) Due to Injury		11. Other Disabling Conditions	
				12. Employee Advised to Resume Work? <input type="checkbox"/> Yes, Date Advised <input type="checkbox"/> No			
6. The Employee Works Hours Per Day Days Per Week				13. Employee Able to Perform Regular Work Described on Side A? <input type="checkbox"/> Yes, If so <input type="checkbox"/> Full-Time or <input type="checkbox"/> Part-Time ____ Hrs Per Day <input type="checkbox"/> No, If not, complete below:			
7. Specify the Usual Work Requirements of the Employee. Check Whether Employee Performs These Tasks or is Exposed Continuously or Intermittently, and Give Number of Hours.							
Activity	Continuous	Intermittent		Continuous	Intermittent		
a. Lifting/Carrying: State Max Wt.	#lbs.	#lbs.	Hrs Per Day	#lbs.	#lbs.	Hrs Per Day	
b. Sitting	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
c. Standing	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
d. Walking	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
e. Climbing	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
f. Kneeling	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
g. Bending/Stooping	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
h. Twisting	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
i. Pulling/Pushing	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
j. Simple Grasping	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
k. Fine Manipulation (includes keyboarding)	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
l. Reaching above Shoulder	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
m. Driving a Vehicle (Specify)	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
n. Operating Machinery (Specify)	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
o. Temp. Extremes	<input type="checkbox"/>	<input type="checkbox"/>	____ range in degrees F	<input type="checkbox"/>	<input type="checkbox"/>	____ range in degrees F	
p. High Humidity	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
q. Chemicals, Solvents, etc. (Identify)	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
r. Fumes/Dust (Identify)	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	Hrs Per Day	
s. Noise (Give dBA)	<input type="checkbox"/>	<input type="checkbox"/>	dBA Hrs Per Day	<input type="checkbox"/>	<input type="checkbox"/>	dBA Hrs Per Day	
t. Other (Describe)				14. Are Interpersonal Relations Affected Because of a Neuropsychiatric Condition? (e.g. Ability to Give or Take Supervision, Meet Deadlines, etc.) <input type="checkbox"/> Yes <input type="checkbox"/> No (Describe)			
				15. Date of Examination		16. Date of Next Appointment	
If you have a disability and are in need of communication assistance (such as alternate formats or sign language interpretation), accommodations and/or modifications, please contact OWCP. See form instructions for Requests for Accommodations or Auxiliary Aids and Services				17. Specialty		18. Tax Identification Number	
				19. Physician's Signature		20. Date	
						CA-17 (Rev. 08-14)	

## INSTRUCTIONS FOR COMPLETING DUTY STATUS REPORT (CA-17)

**SUPERVISOR:** Complete Side A and refer the form to the physician to complete Side B. Fill in the address of the Employing Agency and send a copy of this report to the OWCP address noted below. Enter the OWCP file number in the top right corner.

**PHYSICIAN:** Complete Side B, sign and return to the employing agency within 2 days to prevent interruption of the employee's income. Fill in your name and address.

### Medical Facility Name and Address

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### Send Original Report to: Employing Agency Address

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### Send a Copy of this Report to:

**U.S. DEPARTMENT OF LABOR, DFEC  
CENTRAL MAILROOM P.O. BOX 8300  
LONDON, KY 40742-8300**

### Certification

By signing block 19 on the front of this form, the physician certifies as follows:

I certify that all the statements in response to the questions asked on this form ca-17 are true, complete and correct to the best of my knowledge. Further, i understand that any knowingly false or misleading statement, or misrepresentation or concealment of material fact, may subject me to criminal prosecution.

I further understand that this request does not constitute authorization for payment of medical expenses by the department of labor, nor does it invalidate any previous authorization issued in this case.

### Notice

#### Requests for Accommodations or Auxiliary Aids and Services

If you have a disability, federal law gives you the right to receive help from the OWCP in the form of communication assistance, accommodation(s) and/or modification(s) to aid you in the claims process. For example, we will provide you with copies of documents in alternate formats, communication services such as sign language interpretation, or other kinds of adjustments or changes to accommodate your disability. Please contact our office or your OWCP claims examiner to ask about this assistance.

### **Privacy Act Statement**

In accordance with the Privacy Act of 1974, as amended (5 U.S.C.552a), you are hereby notified that: (1) The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101, et seq.) (FECA) is administered by the Office of Workers' Compensation Programs of the U. S. Department of Labor, which receives and maintains personal information on claimants and their immediate families. (2) Information which the Office has will be used to determine eligibility for and the amount of benefits payable under the FECA, and may be verified through computer matches or other appropriate means. (3) Information may be given to the Federal agency which employed the claimant at the time of injury in order to verify statements made, answer questions concerning the status of the claim, verify billing, and to consider issues relating to retention, rehire, or other relevant matters. (4) Information may also be given to other Federal agencies, other government entities, and to private-sector agencies and/or employers as part of rehabilitative and other return-to-work programs and services. (5) Information may be disclosed to physicians and other healthcare providers for use in providing treatment or medical/vocational rehabilitation, making evaluations for the Office, and for other purposes related to the medical management of the claim. (6) Information may be given to Federal, state and local agencies for law enforcement purposes, to obtain information relevant to a decision under the FECA, to determine whether benefits are being paid properly, including whether prohibited dual payments are being made, and, where appropriate, to pursue salary/administrative offset and debt collection actions required or permitted by the FECA and/or the Debt Collection Act. (7) Disclosure of the claimant's social security number (SSN) or tax identifying number (TIN) on this form is mandatory. The SSN and/or TIN, and other information maintained by the Office, may be used for identification, to support debt collection efforts carried on by the Federal government, and for other purposes required or authorized by law. (8) Failure to disclose all requested information may delay the processing of the claim or the payment of benefits, or may result in an unfavorable decision or reduced level of benefits.

### **Public Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit under 5 U.S.C 8101, et seq. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S-3229, 200 Constitution Avenue, NW, Washington, DC 20210, and reference the OMB Control Number 1240-0046. Note: Please do not send the completed form to this office.

### Reviewing a CA-1 as a Supervisor

When an employee under your supervision has filed a FECA claim in ECOMP, you will receive an email message advising you that the form requires your review. The email message will contain: the ECOMP control number (ECN); form type; status; status changed date; employing organization; employee's initials; date of event and date filed. Click on the link within the message to access the form.

First, the employee's name and organization will be displayed, along with the date of the event and the date the claim was initiated. You must confirm that you have the authority to complete the supervisor portion of this employee's claim. To proceed with review of the claim, click "Yes, I will review this form."

If you believe that you do not have the authority to review the employee's claim, or that it was sent to you in error, click "No, I cannot review this form." You must also select a reason for refusing to review the claim. The employee and AR will be advised by email that you have declined to review the form and the reason you provided.

When you agree to review the form, your IP address will be recorded for security purposes, as noted. Click "I Agree" to proceed.

Next, a summary of information pertaining to the employee's claim will be displayed. Click "Continue" to proceed.

Information entered by the employee in each field of the CA-1 form will now be displayed. You may use the "Go to Field" button to view information entered in each field of the employee portion of the form, but it may not be edited. Click "Continue" to proceed.

Next, enter your name, title and office telephone number, as well as the name and address of the reporting office. You can also enter the OSHA site code, if known, but this field is optional. Click "Continue" to proceed.

Next, select the employee's occupation code, injury type code and injury source code from the drop down lists and select the employee's retirement coverage. If the employee has a set work schedule, answer "yes" to this question and enter the regular work hours and work schedule. If the employee does not work a set schedule, respond "no" to this question. The date of injury and date notice received are pre-populated from the employee's submission of the claim. The remaining fields are optional, but should be completed if this information is

available: date stopped work; date pay stopped; date 45 day period began; and date returned to work. Click "Continue" to proceed.

Next, indicate whether the employee was injured in performance of duty. If not, an explanation must be provided. Also indicate whether the injury was caused by the employee's willful misconduct, intoxication or intent to injure self or other. If so, an explanation must be provided. Additionally, indicate whether the injury was caused by a third party. If so, the name must be provided. The third party's address should also be provided if known, however this field is optional. The anatomical location of injury, nature of injury, cause of injury and extent of injury should be selected from the drop down lists. Completion of these fields by the supervisor is optional. If you do not complete them the codes will be selected by the Agency Reviewer (AR) during final review of the form. Click "Continue" to proceed.

Next, if available, the name and address of the physician first providing medical care, as well as the first date medical care was received, should be entered, however these fields are optional. You must indicate whether medical reports show the employee is disabled from work, and whether your knowledge of the facts of the reported injury agrees with the statements of the employee and/or witnesses. If not, an explanation must be provided. If you controvert the employee's entitlement to Continuation of Pay (COP), the reason must be stated. Please refer to the help text for a list of valid controversion reasons. If COP is not controverted, this section should be left blank. You should also enter the pay rate as of the date the employee stopped work, if applicable, however this field is optional. If you wish to note any exceptions to the information furnished on the CA-1 form by you or the employee, enter an explanation in the space provided. Click "Continue" to proceed.

Next, you may upload any attachments which you wish to submit with the claim. If additional space is needed to explain responses to any of the previous fields completed in the supervisor portion of the form, you may indicate "see attached" in that field and upload an explanatory statement in this step. Click "Continue" to proceed.

Finally, a summary of information entered in the supervisor portion of the CA-1 form is displayed. If any required information has not been entered, there will be a notice at the top of the screen and the field will be indicated in red. You will need to go back and complete all required fields before you can continue. If any information needs to be edited you may use the "Go to Field" button to return to the field and make changes. When all information has been confirmed, click "Continue" to proceed.

You must then indicate whether the form is ready for forwarding to the AR for final review. If you feel the claim is not ready for forwarding and requires resubmission, click "Request Resubmission" and select the reason from the drop

down list. The employee and AR will be notified by email that you have requested resubmission and the reason you provided.

If the claim is ready to be forwarded, click “Sign and Forward Form” You should also indicate whether the claim is related to any of the events listed in the drop down list. You must agree with the displayed acknowledgement statement to proceed.

Confirmation that the claim has been forwarded will then be displayed. You may view or save a PDF copy of the CA-1 by clicking the “View” or “Get PDF” buttons. Note that certain personally identifiable information will be masked in the PDF for the protection of the employee.

If the injured employee requires medical treatment for the injury, you may obtain Form CA-16, Authorization for Examination and/or Treatment, by clicking the button “Issue CA-16.” A copy of the form will be generated in PDF format, which may be printed and completed to authorize the employee to be treated for the claimed injury.

Please note that the completed CA-16 must be submitted to OWCP by mail or fax, and may not be uploaded in ECOMP.

When finished, click “Done” to exit.

Once the claim has been received by the AR, he or she will review the information entered for the claim by the employee and by you, the supervisor. The AR will be able to edit information in the supervisor portion of the form if necessary and upload additional attachments to the claim, and will determine if the claim needs to be submitted to OWCP for creation of a case.

Once final review of the CA-1 has been completed, the AR will print the form for your signature, as well as that of the employee. The CA-1 form with original signatures will be maintained by the employing agency.

## **HOW DO I CODE MY EMPLOYEES TIMESHEET?**

Benefits to cover absences differ based on whether the employee suffered a traumatic injury or an occupational disease.

### **Traumatic Injury**

Continuation of Pay begins the second day of the injury or the first day of lost time after the date of injury. The balance of hours missed on the first day of the injury are charged to admin time.

**Continuation of Pay:** Your employee may be eligible for continuation of pay (COP) (code **LT**) if:

1. The employee suffered a traumatic injury and filed form CA-1 within 30 days from the date of injury.
2. The employee has provided you with valid medical documentation to show that he cannot work in any capacity due to the work related injury within 10 days of the injury.
3. The absences from the injury began within 45 days from the date of injury.
4. COP is only given for a total of 45 calendar days. If you have an employee who works Tuesday through Saturday, you would still count Sunday and Monday even if it this would have been their regular days off. This also includes holidays.

The first day of traumatic injury is recorded using type labor code **LU**. You will be prompted to enter the month and date the injury occurred. After the first day, the traumatic injury must be recorded using type labor code **LT**.

**Controversion of COP:** There are only nine reasons why COP can be withheld.

1. The disability is caused from an occupational disease rather than a traumatic injury.
2. The employee is not a U.S. citizen.
3. The injury occurred off government premises and the employee was not involved in official "off premise" activities.
4. The injury was caused by the employee's willful misconduct.
5. The injury was not reported on CA-1 within 30 days following the injury.
6. Work stoppage first occurred 45 days or more after the injury.
7. The employee initially reported the injury after his/her employment was terminated.
8. The employee is enrolled in the Civil Air Patrol, Peace Corps, Youth Conservation Corps, Work Study Program, or other similar group.
9. The employee is a volunteer working without pay or for nominal pay.

Note: If you employee is eligible for COP, but his claim is later denied, the Department of Labor will direct us to recoup the COP and change the COP absences to leave or leave without pay (LWOP).

**After the COP Expires:** If the employee was eligible for COP, but is absent beyond the 45 day limit, the employee has two options:

1. The employee can use their own sick or annual leave to continue uninterrupted pay. An employee who elects to use their own leave can later repurchase the leave.
2. Elect to go Leave Without Pay in writing. (code **KD**), and submit form CA-7 to request wage loss payments from the Department of Labor (DOL). Form CA-7 alerts DOL that the employee is not receiving any income and initiates wage loss pay. Form CA-7 is used to claim absences of two week intervals. If the absences continue beyond the period claimed on form CA-7. It is the employees responsibility to submit medical documentation to support the ongoing absence from the work-related injury.



### Occupational Disease:

COP **is not** a benefit for occupational disease. If the employee cannot work due to the claimed condition, he/she has two options:

1. Use his own sick or annual leave to continue uninterrupted pay.
2. Elect to go on Leave Without Pay (code **KD**) and submit forms CA-7 to request wage loss benefits from the Department of Labor. The employee again is responsible for submitting medical documentation to demonstrate the absences are related to the claimed work condition. Because occupational disease claims take longer to adjudicate, it can take several weeks to several months before the employee can expect to receive pay from DOL.

### Recurrence

In many cases, an employee will return to work without using all 45 days of entitlement to COP. Should such an employee suffer a recurrence of disability he/she may use COP if **no more the 45 days** have elapsed since the date of first return to work, including part-time work and light duty, following the first work stoppage.

If the recurrence begins later than 90 days after the first return to work date, the employee can elect to use annual leave, sick leave or go LWOP and complete a form CA-7.

Note: It is very important to keep up communication lines with your employee. Send form CA-17 with the employee to his/her doctor appointment to keep updated on the employee's injury status.

### Leave Buy Back

When your employee elects to use their own leave they are paid at 100 percent of their usual wage rate. If they would have elected LWOP and went on compensation pay they would have received a percentage of their pay. If employee has no dependents they receive 66 2/3%, employee with dependents receives 75%. When an employee elects to repurchase leave the employee will generally owe the agency money for the repurchase. DOL will pay the compensation percentage and the employee will have to pay their portion. Forms CA-7, CA-7a and CA-7b are used to repurchase leave.

Example: Your employee has a dependent, he has elected to use his own leave because he cannot be without a check for any period of time. He will be paid 100% of his wage (694.80 for a 40 hour week). He would like to buy back 325 hours of sick leave used. His total pay by using the sick leave totaled \$5,645.25. If he would have elected compensation pay, he would have only received 75% of his wages, which would have totaled \$4,233.94 for the 325 hours. In order to buy back his total leave of 325 hours he would owe the agency approximately \$1,411.31 to repurchase the 325 hours of sick leave. Once the Department of Labor and employee's portion has been paid employee's leave will be restored. A time adjustment will be completed charging leave without pay for the period of leave buy back. Since this employee would have not accrued leave if in a non-pay status for more than 80 hours he would lose 4 sets of accruals.



# *ATAAPS For OWCP*

NGB Regional OWCP Liaison Team  
NGB-TN-OWCP

This briefing is  
**UNCLASSIFIED**



ATAAPS Menu			Notifications
Timekeeping	Administration	Utilities	
Labor	Certification	Inquiries	
Labor/Leave Review	Personnel Management	Defaults/Favorites Maintenance	
Timekeeper Review	Roster Management	Change UIC - W8BKAA	
Default Labor	Team Management	Reports	
Leave Request	Employee Reopen	Change Password	
Premium Request	Database		

# Work Injury (Cont.)



Employee Information

UIC

Team: 4018287

Employee:

Begin Pay Period: 2018-Jan-07

2018-Jan-07

<<

>>

Pay Period

NDiff/Haz/Oth: No Concur: No Certified: No Sent To Payroll: No **No Accounting Codes**

Go to Top

1. Click Create LU tab. It will bring up the Generate Injury Number.
2. Click the date of Injury.

Employee Hours													
October													
Cost Center	Job Order	Act Type	Type Hr	1	2	3	4	5	6	7	8	9	10
Schedul				Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue
Schedul				0.00	8.00	8.00	8.00	8.00	8.00	0.00	0.00	8.00	8.00
Reported				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total				0.00	8.00	8.00	8.00	8.00	8.00	0.00	0.00	8.00	8.00
Total				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Create LU													
Summary													
Refresh													
InsertRow													
CopyRow													
DeleteRow													

Menu | Logout | Help

Timekeeping: Labor: Generate Injury Number

Go to Bottom

Go to Top

Go to Bottom

Generate Injury Number

Choose the day of the pay period to generate an injury number:

October 1 2 3 4 5 6 7 8 9 10 11 12 13 14

Go to Top

Go to Bottom



## Timekeeping: Labor

[Go to Bottom](#)

**Employee Information**

Team:	40118287	Logged in As:		UIC:	
Employee:					
Begin Pay Period: 2018-Jan-07		[<<] [v] [>>]		PayPeriod	
NIDiff/Haz/Oht: No Concur: No Certified: No		Sent To Payroll: No		No Accounting Codes	

Go to Top

[Go to Top](#)

## Employee Hours

Cost Center	Job Order	Type	Order	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Total
40117865		LU		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Schedul Hours				0.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	80.00
Reported to Schedul Hours				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NIDiff/Haz/Oth				Refresh	Summary													
Save	CopyRow	InsertRow	Refresh															

Test Case

## Timekeeping: Labor

Go to Bottom

**Employee Information**

Team:	40118287	Logged In As:		UIC
Employee:				

Begin Pay Period: 2018-Jan-07    2018-Jan-07    <<    >>    PayPeriod

NIDiff/Haz/Oth: No Concur: No Certified: No Sent To Payroll: No No Accounting Codes

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[Go to Top](#)

## Employee Hours

[illegible]

[Go to Top](#)



## Timekeeping: Labor

[Go to Bottom](#)

Employee Information      Team: 40116237      Logged In As: [Redacted]      UIC: [Redacted]

Employee: [Redacted]      Begin Pay Period: 2016-Jan-07      2018-Jan-07      <<      >>      PayPeriod

ID#ffHazOtn: No Concur: No Certified: No Sent To Payroll: No No Accounting Codes

[Go to Top](#)

1. Click NtDiff/Haz/Oth
2. It will give you the drop down box, choose the 4 digit injur #.
3. Save

Employee Hours																		
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	Total
	Cost Center	Job Order	Act Type	October	Type	hr	LU											
<input type="checkbox"/>	40117865	DEFAULT																2.00
Sub Acct																		
<input type="checkbox"/>		40117865	<input type="checkbox"/> DEFAULT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
User Data																		
<input type="checkbox"/>		40117865	<input type="checkbox"/> DEFAULT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sub Acct																		
<input type="checkbox"/>		40117865	<input type="checkbox"/> DEFAULT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
User Data																		
<input type="checkbox"/>		40117865	<input type="checkbox"/> DEFAULT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sub Acct																		
<input type="checkbox"/>		40117865	<input type="checkbox"/> DEFAULT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
User Data																		
<input type="checkbox"/>		40117865	<input type="checkbox"/> DEFAULT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sub Acct																		
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## Timekeeping: Labor

Go to Bottom

## Employee Information

Logged In As

Team: 40118287

Employee:

Begin Pay Period: 2018-Jan-07

[illegible]

NI/Diff/Haz/Oth: No Concur: No Certified: No Sent To Payroll: No No Accounting Codes

[Go to Top](#)

Once you get to this screen you will click Save.

[illegible]

[Go to Top](#)





Timekeeping: Labor

Go to Bottom

Employee Information

UIC

Team: 40118287

Employee

Begin Pay Period: 2018-Jan-07

2018-Jan-07

<<

>>

Pay Period

NDiff/Haz/Oth: No Concur: No Sent To Payroll: No No Accounting Codes

Go to Top

1. Click Insert Row
2. Insert Job Order (Default)
3. Insert Type Hr (RG)
4. Your schedule work hours.
5. Save

Employee Hours																				
				October																
	Cost Center	Job Order	Act Type	Type Hr	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Sat	Sun
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Scheduled Hours					0.00	8.00	8.00	8.00	6.00	8.00	8.00	0.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	80.00
Reported to Scheduled Hours					0.00	8.00	8.00	8.00	8.00	8.00	8.00	0.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	80.00
Save	DeleteRow	CopyRow	NTDiff/Haz/Oth	InsertRow	Refresh	Summary	Create LU													

Go to Top

# Annual Training for Supervisors



## *Responding to Employees Alleging Violations of Whistleblower Protections*



New Requirements

PUB. L. Nos. 115-73 (Oct. 26, 2017), 115-91 (December 12, 2017)

U.S. OFFICE OF SPECIAL COUNSEL  
DIVERSITY, OUTREACH, AND TRAINING  
CERTIFICATION PROGRAM

# Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017

P.L. 115-73 (10/26/2017)



The head of each agency shall provide training, in consultation with the Office of Special Counsel and the Office of the Inspector General, to supervisors on how to respond to complaints alleging a violation of whistleblower protections.<sup>1</sup> This training shall be provided—

- to employees appointed to supervisory positions in the agency who have not previously served as a supervisor; and
- on an annual basis, to all employees of the agency serving in a supervisory position.

<sup>1</sup> Whistleblower protections are defined as retaliation for whistleblowing and retaliation for engaging in protected activity under 5 U.S.C. § 2302(b)(8) and (b)(9).

# How to Respond



## Overview of Statutory Obligations (See whistleblower protection criteria)

- Respond constructively when employees disclose government wrongdoing or allege retaliation; (See slides 8-9)
- Provide information on the rights and remedies available to employees alleging retaliation; (See slide 10) and
- Foster an environment where employees feel comfortable disclosing wrongdoing or alleging retaliation. (See slides 11-12)

# Alleging Retaliation



Supervisors may not take, fail to take, or threaten to take or fail to take a personnel action for:

- Protected whistleblowing (i.e., disclosing wrongdoing) – statutory categories listed on slide 5
- Protected activity – statutory activities listed on slide 6

# Whistleblowing Categories



In general, employees must have a “reasonable belief” that they are disclosing information in one or more of the following categories:

- Violation of any law, rule, or regulation
- Gross mismanagement: substantial risk of significant impact on mission
- Gross waste of funds: more than debatable expenditure
- Abuse of authority
- Substantial & specific danger to public health or safety
- Censorship related to scientific research or analysis (scientific integrity)

Note: Supervisory training on the prohibited personnel practices (required every three years) provides detailed information on retaliation and explains that “whistleblowing” (i.e., making protected disclosures) is only one of the four required elements in a whistleblower retaliation claim.

# Protected Activity



Protected activity includes:

- Exercise of appeal, complaint, or grievance rights
- Testimony or other assistance to person exercising such rights
- Cooperation with or disclosures to Special Counsel, Inspector General, or component responsible for internal investigation or review
- Refusal to obey an order that would require violation of law, rule, or regulation





# SUGGESTIONS FOR SUPERVISORS

# Respond to Employees Alleging Retaliation or Disclosing Wrongdoing



- Stay open and receptive to employee's disclosures of wrongdoing even if the disclosures do not appear to meet the legal definition of whistleblowing
- Find out what the employee is trying to accomplish with the disclosure of wrongdoing (e.g., requesting an investigation of the disclosure or filing a complaint of retaliation)
- Determine whether the employee wants to remain anonymous and familiarize yourself with agency policies covering anonymity (i.e., do not promise an employee that you will keep their identity secret if it is not possible under your agency's policies)

# Respond to Employees Alleging Retaliation or Disclosing Wrongdoing (cont.)



- Even if you disagree with the content of the disclosure of wrongdoing or the facts of the alleged retaliation, ensure that you do not allow your disagreement to affect your personnel decisions
- Do not take action against an employee for disclosing wrongdoing “outside the chain of command” or for disclosing the information in violation of a rule, regulation or policy
- If the employee is attempting to reveal classified information or information prohibited from release by law, inform the employee that their right to disclose such information is limited to the following entities: the Office of Special Counsel (OSC), the Office of Inspector General (OIG), and/or other appropriate authorities within the agency or Congress

# Provide Information to Employees

## Alleging Retaliation or Disclosing Wrongdoing



- Most importantly, inform the employee of their right to disclose government wrongdoing or allege retaliation
- If the employee alleges retaliation, inform the employee of their right to file such claims with the Office of Special Counsel, the Office of Inspector General (OIG), the OIG Whistleblower Protection Coordinator, and/or any other office within the agency that may review such allegations
- If the employee is requesting an investigation of the alleged wrongdoing, there may be concerns with the supervisor conducting such investigations
- Supervisors should, however, alert the appropriate agency investigative authority if, for instance, the employee discloses a danger to public health or safety or any other imminent harm

# Foster an Environment Where Employees Feel Comfortable

## Alleging Retaliation or Disclosing Wrongdoing



### For example:

- Remind employees of their right to engage in whistleblowing, e.g., through periodic emails or at staff meetings, and stress your goal of creating/maintaining a workplace free from retaliation
- Remember protected disclosures of government wrongdoing (those not prohibited by law or classified) may be made to anyone, including outside of the agency, and employees are not required to follow a chain of command
- Provide in-person training to staff, e.g., OSC expert training ([OSC speaker request form](#))

# Foster an Environment Where Employees Feel Comfortable Alleging Retaliation or Disclosing Wrongdoing (cont.)



For example:

- Provide employees with an anonymous suggestion box
- Highlight that whistleblowing may lead to innovation or modification of practices
- Publicize an example in which a whistleblower's disclosure of wrongdoing led to better practices
- Be receptive to differing points of view and encourage employees to share their dissenting opinions

Tip: Print this  
slide for  
reference!

# Guide for Supervisors

Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 &  
Special Counsel Reauthorization Act of 2017

P.L. 115-91 (12/12/2017)



The following points will assist supervisors with meeting the new supervisory whistleblower criteria as well as the new supervisory obligation to respond to allegations of retaliation:

- Inform the employee of their right to disclose government wrongdoing or allege retaliation to several entities (depending upon the agency), including but not limited to, OSC and/or the appropriate OIG.
- Advise the employee of the various avenues to report the government wrongdoing or file a complaint of retaliation.
- Provide information on your agency's confidentiality policies.
- Alert the appropriate agency investigative authority if, for instance, an employee discloses a danger to public health or safety.



# OSC phone / email contacts



## Case Review Division:

(202) 804-7000  
(800) 872-9855  
[info@osc.gov](mailto:info@osc.gov)

## Disclosure Unit:

(202) 804-7000  
(800) 872-9855  
[info@osc.gov](mailto:info@osc.gov)

## Hatch Act Unit:

(202) 804-7002  
(800) 85-hatch  
[hatchact@osc.gov](mailto:hatchact@osc.gov)

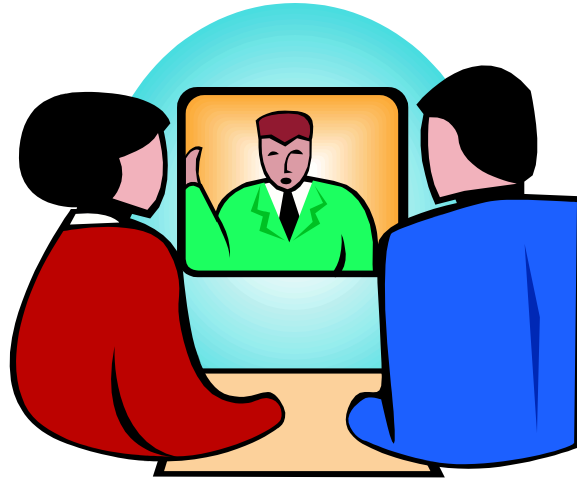
## Website:

[osc.gov](https://osc.gov) [complaint  
forms/e-file]

## Speaker Requests & Certification Program:

(202) 804-7163  
[certification@osc.gov](mailto:certification@osc.gov)

# Ethics Training

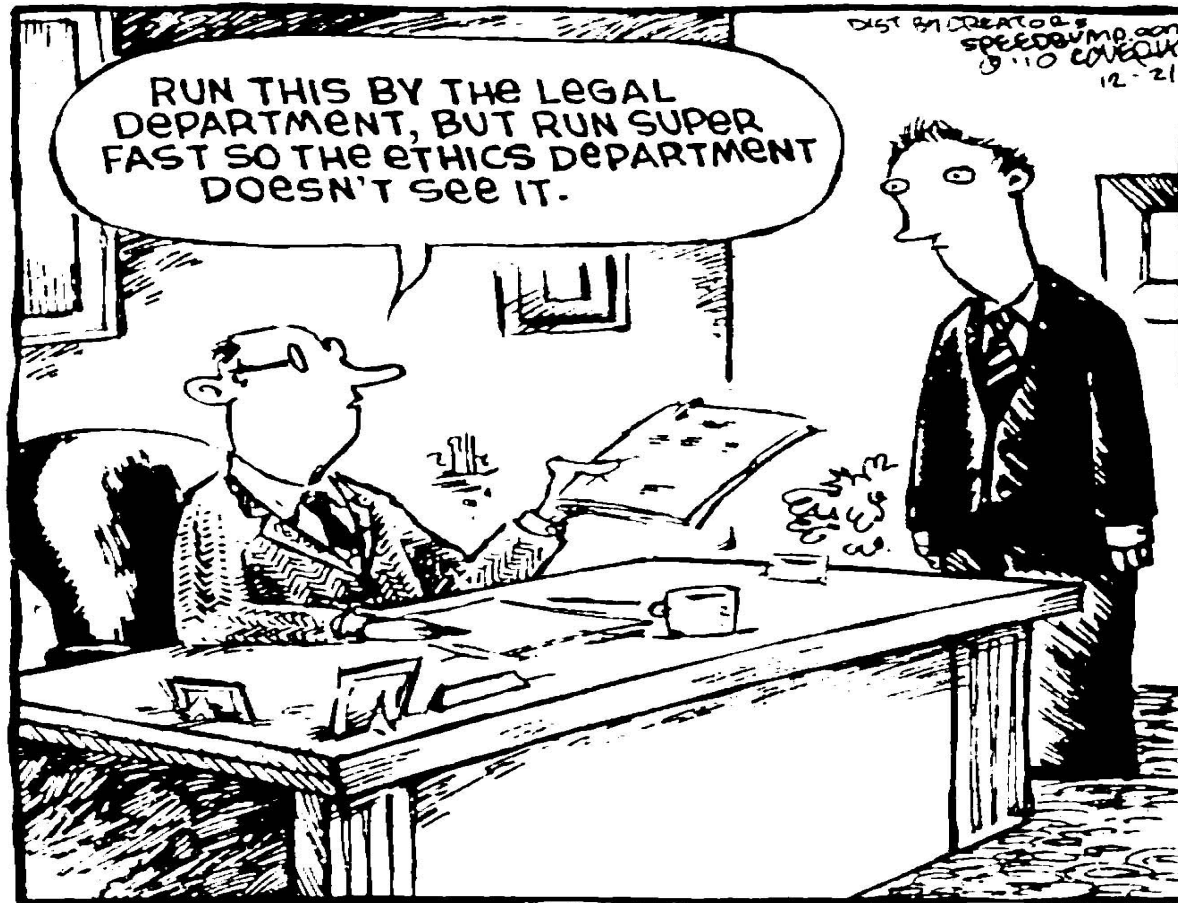


MAJ Stephen Stokes  
Staff Judge Advocate  
Idaho National Guard

Don't follow this advice...we're here to help

## SPEED BUMP

DAVE COVERLY





WH Situation Room May 1, 2011







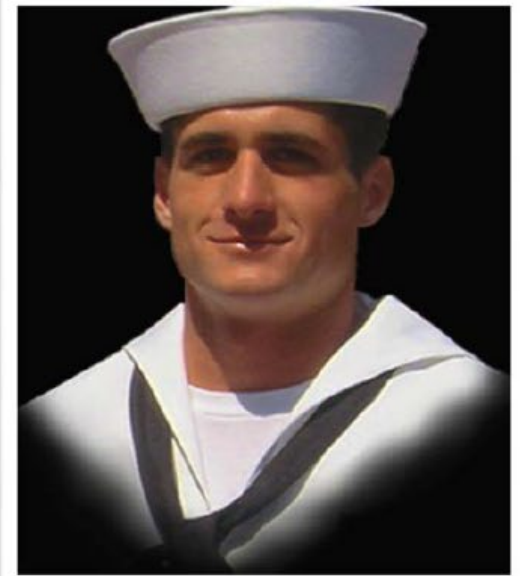
# ***MEDAL OF HONOR RECIPIENTS***

**Core Values: Personal Courage and Selfless Service**

**Captain  
William D. Swenson**



**Sergeant First Class  
Leroy A. Petry**



**Petty Officer Second Class  
(SEAL)**

**Michael Anthony Monsoor  
April 5, 1981 – Sept. 29, 2006**





# ***HUMANITARIAN RELIEF***

## ***U.S. Troops Providing Aid to Philippines***





# Americans' Confidence in Congress Falls to Lowest on Record

## Congress ranks last on list of 16 institutions; military earns top spot again

*I am going to read you a list of institutions in American society. Please tell me how much confidence you, yourself, have in each one -- a great deal, quite a lot, some, or very little?*

% Great deal/Quite a lot

Sorted by most to least confidence in 2013

	2012	2013	Change
	%	%	Pct. pts.
The military	75	76	+1
Small business	63	65	+2
The police	56	57	+1
The church or organized religion	44	48	+4
The presidency	37	36	-1
The medical system	41	35	-6
The U.S. Supreme Court	37	34	-3
The public schools	29	32	+3
The criminal justice system	29	28	-1
Banks	21	26	+5
Television news	21	23	+2
Newspapers	25	23	-2
Big business	21	22	+1
Organized labor	21	20	-1
Health Maintenance Organizations (HMOs)	19	19	0
Congress	13	10	-3

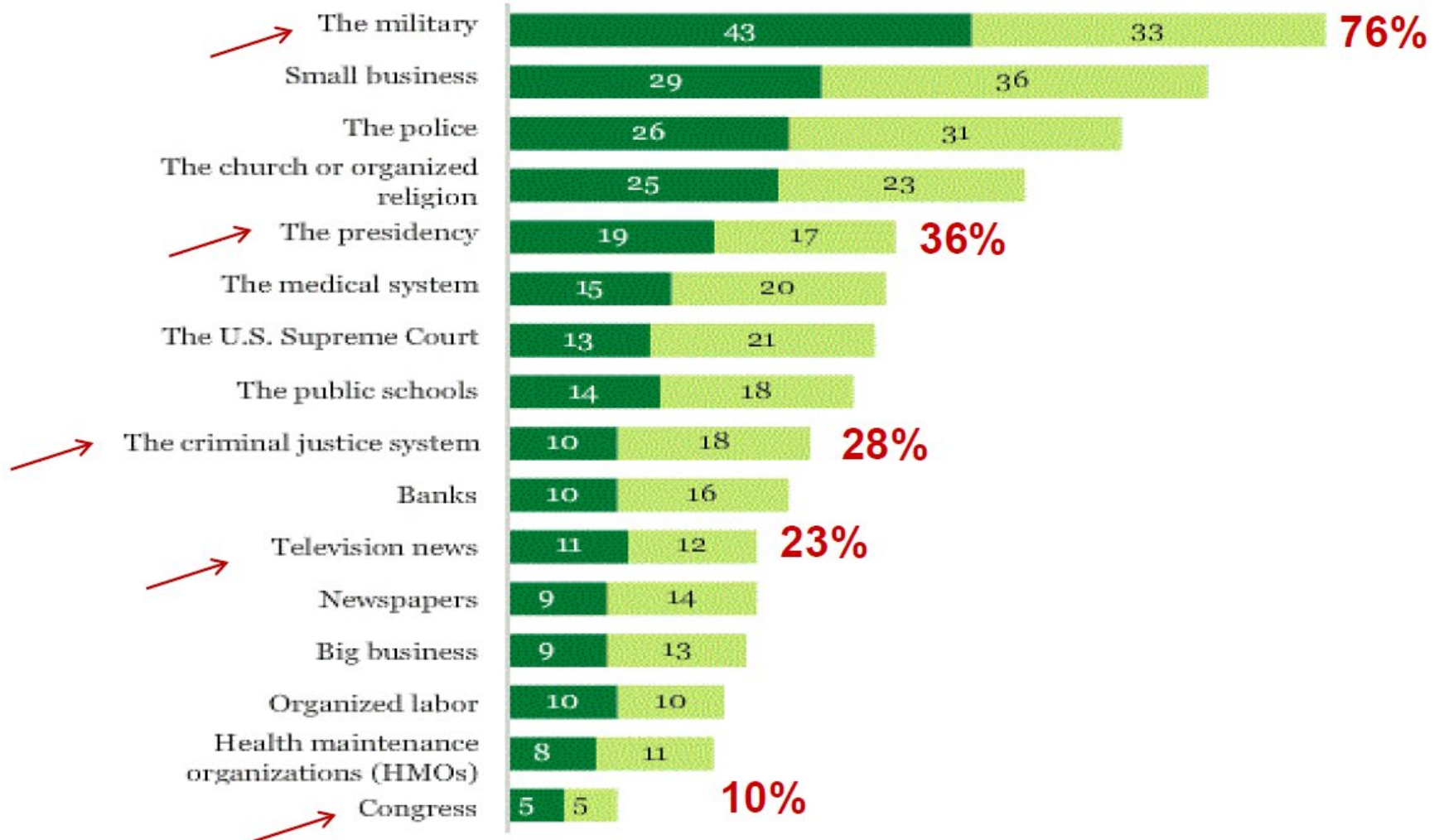
# GALLUP POLL RESULTS

## (Degree of Public Confidence)

June 1-4, 2013

■ % Great deal

■ % Quite a lot



GALLUP®

*The military*

	Great deal	Quite a lot	Some	Very little	None (vol.)	No opinion	Great deal/ Quite a lot
	%	%	%	%	%	%	%
2013 Jun 1-4	43	33	17	6	*	1	76
2012 Jun 7-10	43	32	18	5	1	1	75
2011 Jun 9-12	47	31	16	3	*	1	78
2010 Jul 8-11	44	32	18	4	1	1	76
2009 Jun 14-17	45	37	12	5	*	1	82
2008 Jun 9-12	45	26	20	7	1	1	71
2007 Jun 11-14	39	30	21	8	1	*	69
2006 Jun 1-4	41	32	19	5	1	1	73
2005 May 23-26	42	32	18	7	1	*	74
2004 May 21-23	36	39	19	5	*	1	75
2003 Jun 9-10	48	34	14	4	*	*	82
2002 Jun 21-23	43	36	16	5	*	*	79
2001 Jun 8-10	32	34	24	6	2	2	66
2000 Jun 22-25	25	39	26	7	1	2	64
1999 Jun 25-27	34	34	26	6	*	*	68
1998 Jun 5-7	33	31	25	8	1	2	64
1997 Jul 25-27	30	30	27	10	2	1	60
1996 May 28-29	30	36	25	7	*	2	66
1995 Apr 21-24	33	31	27	7	1	1	64
1994 Mar 25-29	30	34	26	8	*	2	64
1993 Mar 22-24	32	35	23	8	1	1	67
1991 Oct 10-13	35	34	20	8	1	3	69
1991 Feb 28-Mar 3	52	33	11	3	*	1	85
1990 Aug 16-19	37	31	22	7	1	2	68
1989 Sep 7-10	31	32	26	9	*	3	63
1988 Sep 23-26	23	35	30	9	1	2	58
1987 Jul 10-13	24	37	28	9	1	2	61
1986 Jul 11-14	29	34	24	10	1	2	63
1985 May 17-20	24	37	28	8	1	2	61
1984 Oct 6-10	28	30	24	15	—	2	58
1983 Aug 5-8	23	30	29	12	1	5	53
1981 Nov 20-23	22	28	29	14	6	2	50
1979 Apr 6-9	25	29	29	14	1	3	54
1977 Jan 7-10	23	34	25	11	1	6	57
1975 May 30-Jun 2	27	31	25	11	1	5	58
1973 May 4-7	—	—	—	—	—	—	—



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**“Nearly all men can stand adversity,  
but if you want to test a man’s  
character — give him power.”**

**Abraham Lincoln**



# AVOIDING THE EPIC FAIL!





# ENCYCLOPEDIA OF ETHICAL FAILURE

# William Ward, Four Star General, Demoted For Lavish Spending, Ordered To Repay \$82,000

By LOLITA C. BALDOR 11/13/12 10:56 PM ET EST **AP**



WASHINGTON — Defense Secretary Leon Panetta has demoted the former head of U.S. Africa Command who was accused of spending thousands of dollars on lavish travel and other unauthorized expenses, the Pentagon said Tuesday.

Panetta stripped Gen. William "Kip" Ward of a star, which means that he will now retire as a three-star lieutenant general. Ward also has been ordered to repay the government \$82,000.

1,738

204

96

460

3196



Share



Tweet



+1



Email

Comment





## ***Why is risk-taking on ethics matters different?***

---

### **“Going up to the line”/Getting to “Yes”**

- **Operational Law: Commander to SJA: “I want your legal advice to be as forward-leaning as possible.”  
This is OK. WHY? Who benefits?**
- **Ethics Law: Should we be forward-leaning in the ethics foxhole?**
  - **Who is the beneficiary of forward-leaning advice re: golf, official cars, milair, spousal travel, gifts, use of subordinates and enlisted aides, and use of Govt resources?**

# Code Of Ethics

## PRINCIPLES OF ETHICAL CONDUCT

1. Public Service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as [provided for by regulation], solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.

8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

# Who Is Covered By the Federal Ethics Rules?

- Active duty officers and enlisted personnel
- National Guard and Reserve Component personnel
  - In a Title 10 or Title 32 status
  - Performing any official action related to their duties – clothed in their official capacity
  - All federal civilian employees
- Contractors are not covered by federal ethics rules

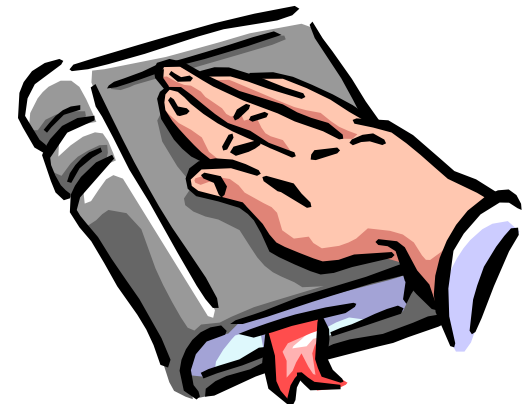
## The Principles of Ethical Conduct 5 CFR § 2635.101(b)

1. Public Service is a *public trust*, requiring employees to place *loyalty to the Constitution*, the laws and ethical principles above *private gain*.

# Oath of Office

## “Defending the Constitution”

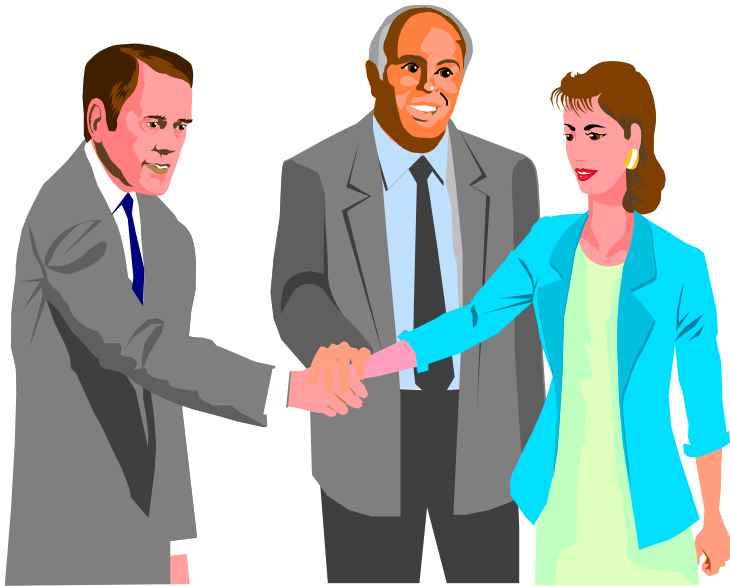
- Officers and Army Civilians
  - “I do solemnly swear/affirm that I will **support and defend the Constitution** of the United States against all enemies, foreign and domestic; that I will **bear true faith and allegiance to the same**; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will **well and faithfully discharge the duties** of the office upon which I am about to enter.”



# The Principles of Ethical Conduct

2. Employees shall not *hold financial interests that conflict with the conscientious performance of duty.*
3. Employees shall not *engage in financial transactions using nonpublic Government* information or allow the improper use of such information to further any private interest.

# Conflicts of Interest



- Participation in official matters (procurement actions)
  - Outside financial interests of self/spouse/child/partner/PO
  - 18 USC 208 Conflict of interest
- Disqualification
  - Ethics Counselor Waiver



# Non-Public Information

- Insider Trading (Criminal)
  - Procurement Integrity (Bid process)
  - Trade Secrets Act
  - Classified Information
  - Privacy Act
  - Shared information (Unofficial involvement)
    - Over heard work place conversation
    - Trash can



# The Principles of Ethical Conduct

4. An employee *shall not*, except as permitted by law or regulation, solicit or *accept any gift or other item of monetary value* from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

# Four Issues

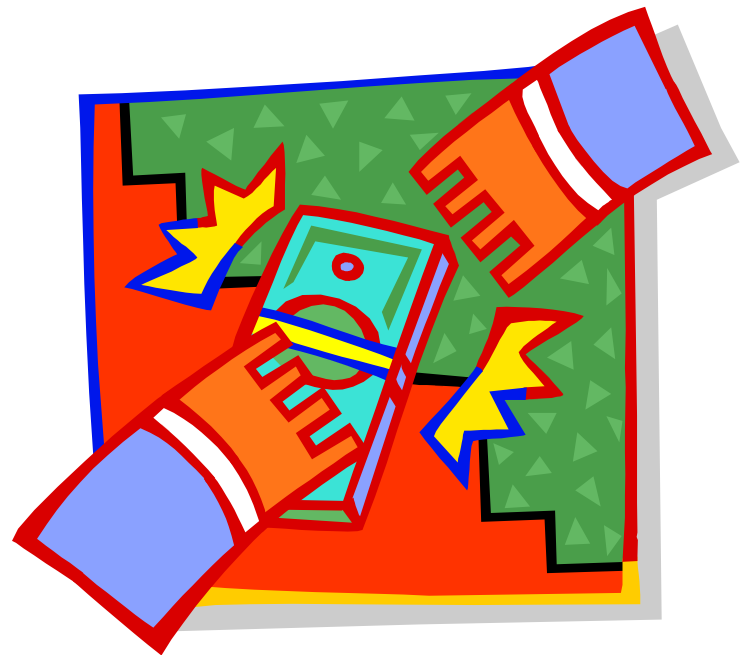
1. Bribery
2. Outside Representation
3. Outside Compensation
4. Gifts

# Bribery / Outside Compensation

- 18 USC 201: Bribery
  - Request or accept compensation for an official act or testimony
- 18 USC 203: Outside representation of non-federal entity (contract bid or negotiation)
- 18 USC 205: Act as agent or attorney for non-federal entity (“legal issue”)
- 18 USC 209: Outside compensation
  - Third Party pays you for doing your official federal duties –
  - Who’s interests are you serving?

# General Gift Rule

- Do not solicit gifts and do not accept gifts
  - Gifts to spouse, children, and parents are attributed to you
  - Violation could subject you to discipline
    - Title 10 – UCMJ
    - Title 32 – TAG



# What is a Gift?

- Gift
  - any item of monetary value
    - Meals (maybe - value?)
    - Cash (always)
      - VISA gift card vs. Sears gift card
- “non-gifts”
  - little intrinsic value intended solely for presentation
  - coffee and donuts
  - discounts or offers made to class/group of military personnel



# Ask: Why is Gift Offered?

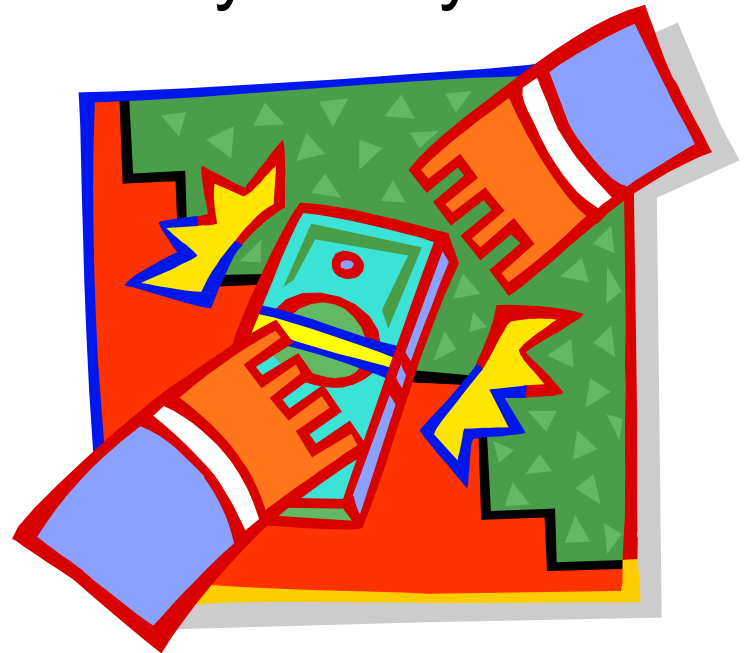
- Official position or personal capacity (friend)
  - Sometimes the line becomes blurred
- Personal capacity (exception - maybe)
  - Show personal relationship
  - Appearance concern
  - Exercise caution
- Official position
  - Rank or position
  - Gift rules apply





# Gifts Between Government Employees

- Can't give gifts to a supervisor / superior
- Can't solicit or accept gifts from a subordinate or someone that makes less money than you



# Is it offered by a Prohibited Source?



- P.S. does business with Army (contractor / contractor's employee)
- P.S. seeks to do business with DoD/ARNG/ANG
- P.S. conducts activities that DoD/ARNG/ANG regulates
- We can substantially affect P.S.'s interests

# Prohibited Sources



- Professional associations
- Non-profit organizations
- Educational institutions
- State and Local governments/agencies
- Defense contractors
  - contractor personnel
- Statutory exceptions (maybe)
  - NGAUS / AGAUS / BSA / GSA

# Contractor's Employees

- Contractor Employees are Prohibited Sources
  - General rule – no gifts solicited or accepted
  - No solicitation for retirement or other gift donations
  - Do not invite to agency events unless time is not charged to K
  - No federally purchased awards
  - Do not ask to run errands



# What do I do if Gift is Offered?

- Decline
  - Rarely do you have to accept a gift.
- If you can't decline:
  - Gift is sent to you – return the gift
  - Gift(s) from a foreign government – ≤\$285.00 you can keep gift(s) otherwise its Federal property
  - Consumable / perishable goods
    - Share within office with supervisor's permission
    - Throw it away (witness / document)
  - Does an exception apply?

# Exceptions For Co-Workers

- Special infrequent occasions
  - Marriage, birthday, illness, birth or adoption of a child
  - Retirement, resignation, or transfer
  - Promotion IF it terminates an existing subordinate - supervisor relationship
  - Value of the gift must be appropriate to the occasion



# Continued



- Special infrequent occasions
  - Value of gift
    - \$10 if given by an individual
    - Not to exceed \$300 per donating group
      - Includes all costs associated with getting the gift to the recipient (tax/postage/handling/wrapping)
  - If a subordinate contributes to more than one group gift, the combined cost of the gifts from the different groups is \$300



# Continued



- You can ask for \$10 – they can give more
  - Voluntary contribution
  - No lists – sign the card???
- Refreshments shared in the office are okay
- Hospitality at employee's or supervisors home is okay
- Hospitality gifts are okay
  - Appropriate to the occasion

# Generic Exceptions

- Gift or discount to group or class of employees or military members
  - Not based on duty position/rank
- Award for service achievement
  - established program – not one time gift or award
- Permitted by statute
  - gifts from foreign governments ( $\leq \$285.00$ )
- Speaker / Widely attended gathering (WAG)
  - Gift (fee) from sponsor tied to speech or participation
  - WAG: 100 diverse guests / exchange diverse ideas / benefit to agency
  - Third party donor complicates issue unless sponsor controls invitation
  - DAEO review required

# Exception for the Wounded or Ill

- Wound / ill military member
  - Incurred after 11 Sept 01
    - Wound or illness incurred in a combat zone
  - May accept gift under \$305.00
  - DAEO must approve gifts over \$305 or aggregate of gifts totaling \$1000.00+ from one giver in a single year – (Discrimination / bribery / influence)
  - Gift may be accepted by military member or their family

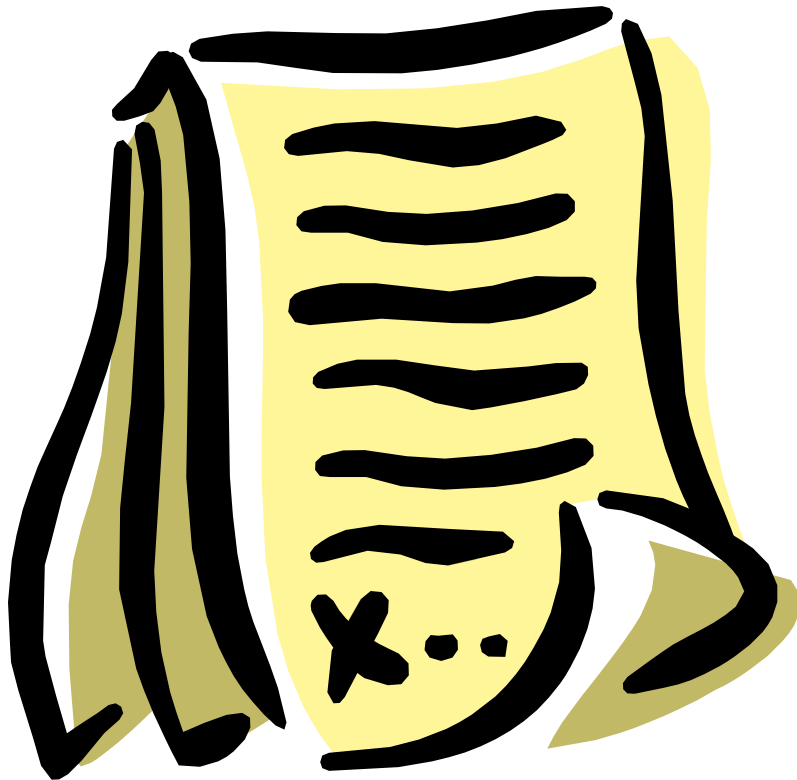
# Prohibited Source Exceptions

- Prohibited Sources
  - Nominal gifts are okay
  - Gift(s) with a market value  $\leq$  \$20 are okay
  - Less than \$50 per source per calendar year
    - Avoid the appearance of having a collection
  - Multiple gifts:
    - You can accept gifts totaling  $\leq$ \$20 and return the remaining; or
    - Pay FMV for all of the gifts – can't pay the difference – “these gifts cost \$20 or less, and here is the cash for the rest”

## The Principles of Ethical Conduct

5. Employees shall put forth *honest effort in the performance of their duties.*
6. Employees shall *not knowingly make unauthorized commitments* or promises of any kind purporting to bind the Government.

# Unauthorized Commitments



- Must have authority to enter into contracts or agreements
- Personal liability
  - Ratification
  - Voluntary creditor
  - It's your checkbook at risk!

# The Principles of Ethical Conduct

7. Employees shall not *use public office for private gain.*
8. Employees shall *act impartially* and not give preferential treatment to any private organization or individual.
9. Employees shall *protect and conserve Federal property* and shall not use it for other than authorized activities.



# Public Office For Private Gain

- Use of government property
  - official and authorized purposes only
- Never for private business!



# Preferential Treatment

- No express or implied endorsements of businesses, private organizations, or products.
- No special treatment for people, businesses, or private organizations (P.O.)
  - Statutory support for some P.O.s (BSA / NGAUS)
  - Do it for one qualified group you must do it for every qualified group unless you can articulate a reason not to
- Assign tasks among personnel fairly
  - See a uniform not the person
  - Have you gotten in there and done it?

# Protect & Conserve Government Property

- Personnel are resources too!
  - Improper to ask subordinates to run errands for you
  - Decline offers: “Can I pick up lunch for you?”
- Computers / printers / copiers
  - Military or private education
    - *Specific rules*
  - *Cell phones* - official use only
    - Emergency – change of travel plans
- Internet: On breaks—bandwidth
- Email: Receive – short response



# The Principles of Ethical Conduct

10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that *conflict with official Government duties and responsibilities*. (18 USC 208 Conflict of Interest)
11. Employees shall *disclose waste, fraud, abuse, and corruption* to appropriate authorities.
12. Employees shall *satisfy in good faith their obligations as citizens*, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.

# Conflict of Interest

- Cannot have a second job that conflicts with your official duties – supervisor approval
- Cannot apply, discuss job offers, or be in active negotiations for a job that conflict with your official duties
- Post-federal employment cooling off period for some federal employees regarding retirement jobs and representation
  - JAG briefing and conflict of interest letter

# The Principles of Ethical Conduct

13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

# Appearance of Impropriety

- If a reasonable person would look at the facts and say, “That can’t be legal or the right thing to do!” *It is a violation!*
- There are more appearance violations than technical violations
  - Trust your gut and instincts
  - If it causes you to pause or think twice, then you had better ask the ethics officer (DAEO)





## ***“The Character that Takes Command . . .***

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**The character that takes command in moments of crucial choices has already been determined. It has been determined by a thousand other choices made earlier in seemingly unimportant moments. It has been determined by all the little choices of years past — by all those times when the voice of conscience was at war with the voice of temptation — whispering the lie that it really doesn't matter. It has been determined by all the day-to-day decisions made when life seemed easy and crises seemed far away — the decisions that, piece by piece, bit by bit, developed habits of discipline - or of laziness, habits of self-sacrifice — or of self-indulgence, habits of duty and honor and integrity — or dishonor and shame.”**

**— Ronald Reagan, The Citadel, May 15, 1993**

# Conclusion

- 14 Principles - only the start
  - Code of Federal Regulations
  - Joint Ethics Regulation
- The days of it being “Better to ask for forgiveness than to ask for permission” are over!
  - Careers are being cut-short!
- Questions or concerns?
  - Ask your Ethics Counselor (DAEO)
    - Staff Judge Advocate
    - Only authorized counselor (letter of delegation)
  - Ask BEFORE you act, follow the advice, and you get a “get out of jail free card”
- Ethics is Everyone’s Responsibility



# Performance Improvement Plan (PIP) / Performance Demonstration Period (PDP)

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# References

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- ❖ CNGBI 1400.25, Vol 431 Enclosure C
- ❖ Performance Improvement Plan

# Performance Demonstration Period

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## **Performance Improvement Plans/Performance Demonstration Period (PDP).**

What it was: A plan of action for improving marginal or unacceptable performance.

What it is: A plan of action for the employee to demonstrate their ability to perform their job at an acceptable level.

- ❖ They provide specific expectations of performance and identify how the employee will demonstrate that performance over the period specified.
- ❖ They include how the supervisor is going to support the employee.



# Supervisor's Role

---

- ❖ Set clear expectations of performance requirements and outline what “Fully Successful” is for the employee
- ❖ If performance declines below “Fully Successful” in one or more of the performance elements, **at any time** during the rating period, the supervisor will work with HR0 to determine appropriate action
- ❖ The supervisor must provide a sufficient amount of time appropriate for the employee to **demonstrate** they can perform to a “Fully Successful” level

(It takes less time for an employee to *demonstrate* whether they can do their job than to see if they can *improve* in doing their job)



# Process for PDP

1. Supervisor contacts HR0
2. HR0 assists supervisor in developing a PDP

Must clearly state:

- ☐ Performance standard from established critical element and potential clarified expectation of requirement(s).
- ☐ Employee action needed to ensure fully successful performance.
- ☐ Supervisor commitment regarding assistance and communication through the period.
- ☐ Consequences if required performance level is not met.
- ☐ Employee must be given a reasonable period---as defined by the agency or collective bargaining agreement---to demonstrate performance.





# Process for PDP cont'd

## 3. CLEAR YOUR CALENDAR

4. There is a period of time you specify in the PDP for the employee to demonstrate their performance. During that period, you will be meeting with them regularly so you can validate their work, determine if they understand the requirements, and evaluate their ability to accomplish the mission at a “Fully Successful” level.

5. During or at the end of the PDP period, complete a PDP written decision. Why during?

- ❖ The employee is either “Fully Successful” or;
- ❖ End of PDP period could result in:
  - ❖ Reassignment
  - ❖ Change to lower grade (may require new PD)
  - ❖ Removal

# Unacceptable Performance Actions

---

- ❖ Unacceptable performance actions include reduction in grade and removal. These actions have very specific regulatory requirements including:
  - ❖ 30 days advanced notice of proposed action
  - ❖ Identification in the notice of both specific instance of unacceptable performance and the critical element involved in each instance
  - ❖ Opportunity to answer both orally and in writing, and reasonable time to respond
  - ❖ Opportunity to be represented by an attorney or other representative
  - ❖ Consideration of medical conditions
  - ❖ Final written decision within 30 days after the expiration of the advanced notice period
  - ❖ Appeal rights to the MSPB or through the negotiated grievance system, depending on the specific situation

# Denial of Within Grade Increases

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## Supervisor's Role

**You** are responsible for informing employees if they will receive a WGI or if their WGI will be denied.

- ❖ A rating less than “fully successful” will constitute a denial of a WGI — coordinate with HR0
- ❖ If you are a new supervisor for an employee who has had a WGI withheld and you do not know why, please contact HR0.



# Questions?

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- ❖ What is the most important thing you as a supervisor can do to ensure your employee(s) performance is at least fully successful?
- ❖ When should you contact HR0 regarding your employee(s) performance?
- ❖ What is required of the supervisor while an employee is on a PDP?

# Conduct vs Performance



# Procedures

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## Misconduct (752)

1. Rules of Behavior
2. Progressive discipline

## Performance (432)

1. Critical Elements
2. Performance Improvement Plan/Performance Demonstration Period (PIP/PDP)

# Misconduct

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Examples of misconduct Rules of Behavior and progressive discipline are in:

CNGBI 1400.25 v 752 Enclosure I

Can you counsel or discipline an employee for misconduct that hasn't occurred yet?

# Unsuccessful Performance

---

Was the expectation written in the performance plan?

If the expectation you have of the employee is not in one of their critical elements, you **don't** have a performance problem. If it is in their critical element(s), you **may** have a performance problem.



# Is it Performance or Misconduct?

---

## Critical Element: Individual Responsibilities

Individual/common use work areas will be kept clean and maintained, free of hazards and clutter. No more than 3 observations of an unclean or unsafe work area will be acceptable. Punctuality is crucial for maximum potential of productive labor time. No more than 3 observations of being late will be acceptable. No more than 3 observations of failed communication of appointments or leave will be acceptable. Ensure that the individual responsibility of completing ATAAPS requirements is completed in a timely manner without corrections needed at the employee level.

- ❖ Provide examples of how an employee would not meet the requirements in this critical element.
- Are the expectations in this critical element clear?

# Is it Performance or Misconduct?

---

## Critical Element: Individual Responsibilities

Individual/common use work areas will be kept clean and maintained, free of hazards and clutter. No more than 3 observations of an unclean or unsafe work area will be acceptable. Punctuality is crucial for maximum potential of productive labor time. No more than 3 observations of being late will be acceptable. No more than 3 observations of failed communication of appointments or leave will be acceptable. Ensure that the individual responsibility of completing ATAAPS requirements is completed in a timely manner without corrections needed at the employee level.

❖ Are the expectations in this critical element clear?

# Is it Performance or Misconduct?

---

## Critical Element: Individual Responsibilities

Individual/common use work areas will be kept clean and maintained, free of hazards and clutter. No more than 3 observations of an unclean or unsafe work area will be acceptable. Punctuality is crucial for maximum potential of productive labor time. No more than 3 observations of being late will be acceptable. No more than 3 observations of failed communication of appointments or leave will be acceptable. Ensure that the individual responsibility of completing ATAAPS requirements is completed in a timely manner without corrections needed at the employee level.

❖ If you were the supervisor, at what point would you consider the employee to be unsuccessful in this critical element and need to be put on a PIP/PDP?

# Is it Performance or Misconduct?

---

## Critical Element: Individual Responsibilities

Individual/common use work areas will be kept clean and maintained, free of hazards and clutter. No more than 3 observations of an unclean or unsafe work area will be acceptable. Punctuality is crucial for maximum potential of productive labor time. No more than 3 observations of being late will be acceptable. No more than 3 observations of failed communication of appointments or leave will be acceptable. Ensure that the individual responsibility of completing ATAAPS requirements is completed in a timely manner without corrections needed at the employee level.

❖ Based on this critical element, what would you expect the employee to demonstrate in the future, related to the performance of the job they were hired to do?

# Is it Performance or Misconduct?

---

## Critical Element: Individual Responsibilities

Individual/common use work areas will be kept clean and maintained, free of hazards and clutter. No more than 3 observations of an unclean or unsafe work area will be acceptable. Punctuality is crucial for maximum potential of productive labor time. No more than 3 observations of being late will be acceptable. No more than 3 observations of failed communication of appointments or leave will be acceptable. Ensure that the individual responsibility of completing ATAAPS requirements is completed in a timely manner without corrections needed at the employee level.

❖ Is this critical element a performance expectation pulled from their Position Description?

# Is it Performance or Misconduct?

---

## Critical Element: Individual Responsibilities

Individual/common use work areas will be kept clean and maintained, free of hazards and clutter. No more than 3 observations of an unclean or unsafe work area will be acceptable. Punctuality is crucial for maximum potential of productive labor time. No more than 3 observations of being late will be acceptable. No more than 3 observations of failed communication of appointments or leave will be acceptable. Ensure that the individual responsibility of completing ATAAPS requirements is completed in a timely manner without corrections needed at the employee level.

❖ If your expectations as a supervisor are not directly related to the employee's PD, is there a more appropriate way to set conduct expectations?

# Is it Performance or Misconduct?

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**Critical Element:** Agency Event Coordinator

**Task:** Work with Air/Army leadership to coordinate/communicate major events on the installation.

**Standard:** Provide planning support and liaison assistance for all major events on the installation. Attend all required meetings and ensure events comply with applicable laws and regulations. Be the SME for law and regulations requirements so that you are able to assist leadership find solutions that meet their intent. Ensure communication is transparent at all levels. You are expected to assist with setting timeline requirements and follow up regarding those timelines so that events occur as planned.

# Is it Performance or Misconduct?

---

## Scenario:

As part of your employees job performance requirements, you told your employee to be at an event planning meeting scheduled for 6 July. Two days before the meeting was to occur, your employee notified you they were told to quarantine by the clinic for a period of time. While on quarantine, your employee was teleworking. You found out after the meeting that your employee did not attend via video or teleconference, nor did they make arrangements for someone else to attend the meeting in their absence.

- ❖ Is it performance or misconduct?
- ❖ What is the problem?



# Is it Performance or Misconduct?

---

## Scenario:

As part of your employees job performance requirements, you told your employee to be at an event planning meeting scheduled for 6 July. Two days before the meeting was to occur, your employee notified you they were told to quarantine by the clinic for a period of time. While on quarantine, your employee was teleworking. You found out after the meeting that your employee did not attend via video or teleconference, nor did they make arrangements for someone else to attend the meeting in their absence.

❖ Is the problem expected to continue in the future, or do you think it was an isolated event?

# Is it Performance or Misconduct?

---

## Scenario:

As part of your employees job performance requirements, you told your employee to be at an event planning meeting scheduled for 6 July. Two days before the meeting was to occur, your employee notified you they were told to quarantine by the clinic for a period of time. While on quarantine, your employee was teleworking. You found out after the meeting that your employee did not attend via video or teleconference, nor did they make arrangements for someone else to attend the meeting in their absence.

❖ If you were to initiate a PIP/PDP, how would you monitor future performance and evaluate whether the employee is successful in their performance or not?

# Is it Performance or Misconduct?

---

## **Scenario:**

As part of your employees job performance requirements, you told your employee to be at an event planning meeting scheduled for 6 July. Two days before the meeting was to occur, your employee notified you they were told to quarantine by the clinic for a period of time. While on quarantine, your employee was teleworking. You found out after the meeting that your employee did not attend via video or teleconference, nor did they make arrangements for someone else to attend the meeting in their absence.

❖ Would it be appropriate to address the problem via the misconduct/disciplinary route?

# Is it Performance or Misconduct?

---

**Critical Element: Maintenance Procedures Accuracy and Efficiency**

**FULLY SUCCESSFUL:** Repairs equipment in accordance with ETMs, technical manuals and/or other pertinent directives. All repairs must be accomplished using the proper references (NO exceptions). Repair time must not exceed the established average by 10%. During final inspections, not more than 6 pieces of equipment will have more than 6 deficiencies noted. During final inspections, not more than 2 pieces of equipment will have more than 1 NMC deficiency noted in a rating period. Initial inspection deficiencies missed does not exceed established average by 10%.

**EXCELLENT:** Repair time does not exceed the established average. During final inspections, not more than 2 pieces of equipment will have more than 8 deficiencies noted. During final inspections, there will be no NMC or safety related deficiencies.

❖ Are the expectations in this critical element clear?

# Is it Performance or Misconduct?

---

**Critical Element: Maintenance Procedures Accuracy and Efficiency**

**FULLY SUCCESSFUL:** Repairs equipment in accordance with ETMs, technical manuals and/or other pertinent directives. All repairs must be accomplished using the proper references (NO exceptions). Repair time must not exceed the established average by 10%. During final inspections, not more than 6 pieces of equipment will have more than 6 deficiencies noted. During final inspections, not more than 2 pieces of equipment will have more than 1 NMC deficiency noted in a rating period. Initial inspection deficiencies missed does not exceed established average by 10%.

**EXCELLENT:** Repair time does not exceed the established average. During final inspections, not more than 2 pieces of equipment will have more than 8 deficiencies noted. During final inspections, there will be no NMC or safety related deficiencies.

❖ Based on this critical element, what would you expect the employee to demonstrate in the future?

# Is it Performance or Misconduct?

---

## Scenario:

Your employee rarely uses technical manuals and/or other pertinent directive when performing maintenance. He/she often exceeds the established repair time average of 10%. During initial and final inspections, there are multiple deficiencies noted.

- ❖ Is it performance or misconduct?
- ❖ What is/are the problem(s)?

# Is it Performance or Misconduct?

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## Scenario:

Your employee rarely uses technical manuals and/or other pertinent directive when performing maintenance. He/she often exceeds the established repair time average of 10%. During initial and final inspections, there are multiple deficiencies noted.

- ❖ Is/are the problem(s) expected to continue in the future, or do you think it was an isolated event?
- ❖ If you were to initiate a PIP/PDP, how would you monitor future performance and evaluate whether the employee is successful in their performance or not?
- ❖ Would it be appropriate to address the problem via the misconduct/disciplinary route?

# Developing the PDP

---

**Original Critical Element:** Maintenance Procedures Accuracy and Efficiency

**FULLY SUCCESSFUL:** Repairs equipment in accordance with ETMs, technical manuals and/or other pertinent directives. All repairs must be accomplished using the proper references (NO exceptions). Repair time must not exceed the established average by 10%. During final inspections, not more than 6 pieces of equipment will have more than 6 deficiencies noted. During final inspections, not more than 2 pieces of equipment will have more than 1 NMC deficiency noted in a rating period. Initial inspection deficiencies missed does not exceed established average by 10%.



# Developing the PDP

---

**Critical Element:** Maintenance Procedures Accuracy and Efficiency

- ❑ Performance standard from established critical element and potential clarified expectation of requirement(s).
- ❑ Employee action needed to ensure fully successful performance.

**Clarified expectation:** Your expected performance level will be targeted at 85% of your work time being spent performing direct labor operation and no more than 15% for ancillary activities. You are being provided with a task performance tracking sheet that will be maintained by you, verified by your assigned work partner/mentor and reviewed and you and myself weekly. The standard for success will be that all tasks trained will be completed satisfactorily and verified by either the shop inspector or myself.

# Developing the PDP

---

**Critical Element:** Maintenance Procedures Accuracy and Efficiency

- ☐ Supervisor commitment regarding assistance and communication through the period.
- ☐ Employee action needed to ensure fully successful performance.

During the PDP, I am responsible for assisting you to reach an acceptable level of performance. You are to address any questions, confusion, or problems to me immediately when they occur. In addition, you and I have a weekly meeting scheduled at 1400 each Thursday in my office to discuss your performance for the week. You are to bring the following: task performance tracking sheet and weekly time ticket. You will be expected to bring any documentation and/or procedures that you are uncertain or unclear about or that you feel have not been fully explained by your trainer.

# Developing the PDP

---

**Critical Element:** Maintenance Procedures Accuracy and Efficiency

- ☐ Supervisor commitment regarding assistance and communication through the period.
- ☐ Employee action needed to ensure fully successful performance.

I am giving you a task performance tracking sheet to annotate any and all tasks that you perform throughout the day; the annotations will be: tasks performed, start time and end time. You will also annotate the job order that you are working on. You will bring this worksheet to me each week so we can discuss your performance throughout the week. In addition to the task performance tracking sheet, I will give you a “Troubleshooting Steps” worksheet. You will annotate what your troubleshooting steps were for each piece of equipment you work on. Everything you work on is required to have the work lead or supervisor inspect for completeness. Your time sheet is required to be turned in daily at 1630.

# Developing the PDP

---

**Critical Element:** Maintenance Procedures Accuracy and Efficiency

- ❑ Consequences if required performance level is not met.
- ❑ Employee must be given a reasonable period---as defined by the agency or collective bargaining agreement---to demonstrate performance.

The Demonstration Period (DP) begins today and **ends no later than** 1 April, 20XX. If you make more than six errors during this 30-day period, your performance will warrant a rating of Unacceptable and your **removal** from your position.

- ❖ Why does it say “ends no later than”?
- ❖ You should know what consequence will occur when you initiate the DP.

# Questions?

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# Disciplinary Actions and Conduct Management

---

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# Misconduct

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RE-CAP:

- ❖ What is misconduct?
- ❖ Where can you find examples of misconduct and the range of penalties for the National Guard?
- ❖ What is required for misconduct to occur?
- ❖ What is required to hold employees accountable for their misconduct?

# Progressive Discipline

---

## TABLE OF PENALTIES:

❖ What do you see?

**MYTH:** In order for discipline to be progressive, the misconduct needs to be the same type

**FACT:** Any type of misconduct can warrant progressive discipline

**MYTH:** You cannot issue a LOR, a suspension, or a removal on the first offense

**FACT:** Progressive discipline is NOT mandatory. A first offense may warrant removal if the harm is serious enough.



# Establish a Rule

---

How is a rule established?

- ❖ Legal requirement
- ❖ Agency regulation
- ❖ Local policy
- ❖ Supervisor's unique rule
- ❖ Should-have-known (ex: sleeping on duty)

Is this all?

# Inform the Employee of the Rule

---

How are employees made aware of the rules within an agency/work center?

- ❖ General notification to work group
  - ❖ Staff meeting/expectation memo/bulletin board
- ❖ Specific directive to employee
  - ❖ Email is great!
- ❖ Training session
- ❖ Oral communication
- ❖ Common knowledge
  - ❖ Should-have-known

# Prove the Employee of the Rule

---

Based on what you learned when the JAG spoke about fact finding, inquiries & investigations, how can you prove a rule was broken?

- ❖ Personal observation
- ❖ Witness Statements
- ❖ Pictures
- ❖ Video, computer/paper logs, security system
- ❖ System records
- ❖ Admission/confession
- ❖ Formal investigations

# Scenario 1

---

You are a supervisor in the Security Forces squadron. All of your non-supervisory federal employees are in the bargaining unit and all of your federal employees are T32, requiring military membership. When your employees work AT or make up drill, the duties performed are the same regardless of their military/technician status.

# Scenario 1

---

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

- ❖ What do you do?
- ❖ How do you know the employee broke a rule?

# Step One: Determine Employee Status

---

Step One occurs **AFTER** you have determined the employee broke the rule.

- ❖ Is the employee working in a civilian or military status?
- ❖ Is the employee a temp?
- ❖ Does the employee have permanent tenure?
- ❖ Is the employee in their probationary period?
- ❖ Is the employee an indefinite?
  - ❖ If they are, how long have they been employed as an indefinite employee?
- ❖ Is the employee part of the Bargaining Unit?
  - ❖ We'll discuss why this matters in the Labor Relations block.

# Scenario 1: Determine Employee Status

---

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

- ❖ Military or civilian?
- ❖ Bargaining Unit Y/N?
- ❖ This employee has permanent tenure.

# Step Two: Performance or Misconduct

---

## RE-CAP:

- ❖ Performance issues relate to what?
- ❖ Misconduct occurs when...?
  - ❖ There is a rule
  - ❖ The employee is aware of the rule
  - ❖ There is evidence that the employee broke the rule



# Scenario 1: Supervisor Objective

---

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

- ❖ What is your objective as a supervisor?
  - ❖ You want the employee to verify credentials of everyone wanting to gain access to the installation.

# Scenario 1: Performance or Misconduct

---

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

❖ Which route performance or misconduct, would you take to handle this situation?

❖ Why?

# Step Three: Decide the Penalty

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## CNGBI 1400.25 v 752 Enclosure C

- ❖ Non-Disciplinary action:
  - ❖ Counseling — oral and not recorded
  - ❖ Admonition — written MFR/Letter

## CNGBI 1400.25 v 752 Enclosure I — All these go through HR0

- ❖ Disciplinary
  - ❖ Letter of Reprimand — written AND recorded in personnel file
- ❖ Disciplinary **and** Adverse Action
  - ❖ Suspension
  - ❖ Removal

# Scenario 1: Decide the Penalty

---

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

- ❖ This is the FIRST offense
- ❖ What penalty do you think is appropriate and why?

# Scenario 2

---

Two years after you issued your employee a LOR, the employee did not show up to work at their required reporting time. The employee was contacted an hour after report time and they indicated they had overslept again.

❖ Since the previous LOR had expired, this incident was the FIRST offense when determining progressive discipline.

# Scenario 3

---

Two months after you issued the LOR for reporting to work late, one of your other employees was on patrol and took a picture of that employee sleeping on duty.

# Step Three: Decide the Penalty

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CNGBI 1400.25 v 752 Appendix A to Enclosure F

## ❖ The Douglas Factors:

1. Nature and seriousness of the offense
  - Relationship to duties
  - Intentional, technical, or inadvertent
  - Malicious or for gain
  - Isolated or repeated — Is there repeated misconduct and does it relate?

# Step Three: Decide the Penalty

---

2. Job level and type
  - Supervisory
  - Contact with public
  - Prominence of position
  - What are the requirements of the position?
3. Past discipline
4. Work record performance
  - Rating
  - Length of service



# Step Three: Decide the Penalty

---

5. Effect on supervisor's confidence in employee
6. Consistency with other discipline — under the Deciding Official
7. Consistency with Table of Penalties in the NG
8. Notoriety and publicity
9. Clarity of notice of any rules violated in committing the offense
10. Rehabilitation potential
11. Mitigating circumstances — what could these be?
12. Alternative sanction — is there anything else you think could be done to deter this behavior in the future?

# Scenario 3: Deciding the Penalty

---

Two months after you issued the LOR for reporting to work late, one of your other employees was on patrol and took a picture of that employee sleeping on duty.

❖ After going through the Douglas Factors, what penalty do you think is appropriate?

# Scenario 3: Penalty Issued

---

The Supervisor proposed a 7 day suspension. The Deciding Official upheld the 7 day suspension but had the employee serve 2 days and held the other 5 days in abeyance for 1 year.

❖ An *abeyance agreement* is an agreement between the employee and the agency. The agency agrees to stay the remainder of the penalty as long as the employee does not engage in further misconduct during the time period specified.

# Scenario 4

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During the *abeyance agreement* period, your employee reported to work late and was intoxicated.

- ❖ The Deciding Official completed the paperwork to impose the rest of the penalty (from the *abeyance agreement*).
- ❖ The Supervisor initiated a proposed removal.

# Scenario 4

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One hour before the employee was to be presented with their disciplinary paperwork, the supervisor informed me they just found out that their employee was in a military status when this misconduct occurred.

- ❖ What is step one?
- ❖ What was about to happen to this employee that didn't because of status?

# AWOL as a Basis for Discipline

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AWOL may be the proper charge when...

- ❖ An employee is conducting personal business while on duty — *Mitchell v. DoD*, 22 MSPR 271 (1984)
- ❖ Employee is ordered to another worksite (e.g. training), but instead reports to regular worksite
- ❖ Employee remains on agency premises (e.g. break room), but not at the specified work location

\*Discipline for sleeping on the job or wasting time is imposed in the same manner as discipline for AWOL

*Golden v. USPS*, 60 MSPR 268, 273 (1994)

# Stop and Think

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- ❖ When misconduct starts to occur what are the first things you think of?
- ❖ How well do you know your employee(s)?
- ❖ Recommendations for knowing your employees and building trust:
  - ❖ Make time for them — Get to know them as people & be engaged in the present (not thinking about your list)
  - ❖ Listen to Them — Do you hear your employees with your heart? Do you understand with empathy?
  - ❖ Recognize Them — Written notes (with real thoughts) offering positive recognition/birthdays
  - ❖ Serve Them — Serve their growth, their career, their future
  - ❖ Bring Out the Best in Them — Help them discover their strengths and provide opportunities for your employees to use their strengths

# You know your employee(s)

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- ❖ When misconduct starts to occur, now what are the first things you think of?
- ❖ How do you perceive negative changes in behavior?
  - ❖ Are you concerned about their well-being?
- ❖ Does your concern about your employee change your thought process when misconduct occurs?
- ❖ What is your first course of action?



# Assistance & Accountability

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You've had a conversation with your employee regarding their recent (insert behavior change/misconduct) and discovered there are some things going on in their personal life that are affecting their behavior at work.

- ❖ What are some options that you have at this point?
- ❖ Should an employee still be held accountable for misconduct as a result of something in their personal life that may be considered a “mitigating factor”?

# Accountability

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- ❖ Have any of you had conduct issues within your organization/team?
- ❖ Do any of your OR have any of you felt like there was misconduct (the same type or different types) that seemed to spread throughout your organization?
- ❖ What happens when you start holding employees accountable for their misconduct?
  - ❖ Why?

# Hot Topics

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- ❖ Alcohol/Intoxication
  - ❖ Standards of Conduct
  - ❖ Army — PM-61 IDARNG's Alcohol Policy (20 Apr 18)
  - ❖ HR 09-005 — What can supervisor do/not do?
- ❖ Ready/Willing/Able — CNGBI 1400.25 v 630 Enclosure L (L-2)
  - ❖ Administrative Leave — This is not their leave
  - ❖ Call HR0
  - ❖ When administrative leave is used for this purpose, disciplinary paperwork will follow

# Suggestions

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- ❖ Establish clear expectations
- ❖ Provide frequent feedback
- ❖ Reinforce positive behavior
- ❖ Have the hard conversations — hold employees accountable
- ❖ Find ways to help your employees feel value
- ❖ Each person is different — understand and embrace their differences

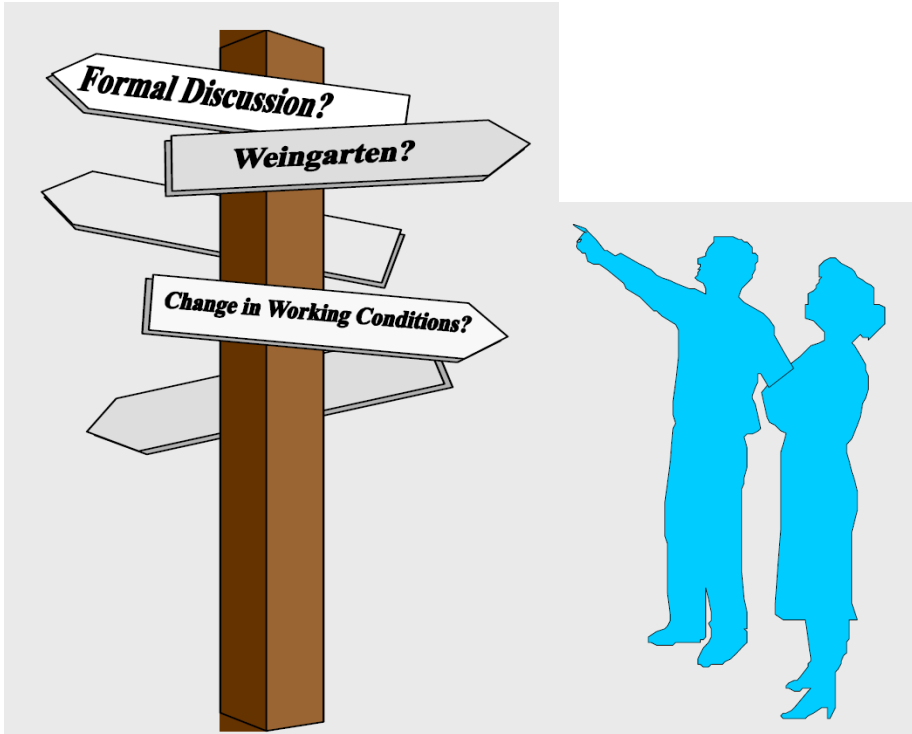
# Questions?

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Call HRO

We'd love to help you navigate through this!

# Labor Management Relations



Anya Davis  
Labor Relations Specialist  
[anya.c.davis2.mil@mail.mil](mailto:anya.c.davis2.mil@mail.mil)  
422- 3340

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# The Bargaining Unit (BU)

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- ▶ The American Federation of Government Employees (AFGE) represents Idaho employees both Army & Air
  - ▶ SF50 Block 3 (NG5030)
- ▶ AFGE Local 3006 is Idaho's Union and Chapter.
  - President, Logan Lusk
  - Vice President, Phillip Neal
  - Treasurer, Matthew Harvey
  - Secretary, Nic Forsea
  - Stewards:
  - MATES: Juan Garcia
  - Range: Johnathan Loosle
  - CSMS: Matthew Harvey

# Positions excluded from the BU

*(5 USC 7112 (b) (1-7) & 7103)*

- 
- a. Any management official or supervisor
  - b. Confidential employee
  - c. An employee engaged in personnel work in other than a purely clerical capacity
  - d. An employee engaged in administering provisions of this chapter
  - e. Professional employees....
  - f. National Security positions....
  - g. Employees who perform agency investigative or audit functions

► Where can you determine BU status?



# Labor Management Agreement EXERCISE

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Management Rights § 7106  
Rights of Bargaining Unit (Employees) § 7102  
Conditions of Employment § 7103 (14)  
Unfair Labor Practices § 7116  
Grievances § 7121

Also use CBA

# Matters Appropriate for Negotiations

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CBA Article 8 – Section 8.1

Section 8.2 – Past Practice

# Notice of Intent to Change Conditions of Employment

Initiating Department \_\_\_\_\_ Date \_\_\_\_\_

Contact Person \_\_\_\_\_

Effective date of change \_\_\_\_\_

1. Current employment condition:
2. Specific change(s):
3. Reason for the change: (Explain who will be affected and their classifications, fiscal or other workload issues, and any other reasons for the change. **Include the reference from the CBA Article 8 Section 8.1)**
4. After required notice period (7) days, for what date would you like this change to be effective?

Signature Block \_\_\_\_\_ Date \_\_\_\_\_

# Do I need to Notify the Union?

- ▶ Before, you as a Supervisor or a Manager implement a change, ask yourself these 3 questions
  - Does the change affect work conditions?
  - Does it affect Bargaining Unit Employees?
  - Is the change significant? (Perception)

If the answer to all 3 is yes, then yes, you do.

# There Is No Formal Discussion When/If...

Discussion is about and with an individual employee related to his/her:

- ▶ Personal problems
- ▶ Job performance
- ▶ Performance evaluation
- ▶ Oral reply to proposed disciplinary action(s)

During impromptu meetings on the shop floor

# Weingarten Rights

5 USC 7114

- ▶ This refers to the right of a bargaining unit employee to be represented by the union when all three apply:
  1. The employee is examined in an investigation conducted by one or more representatives (supervisors/managers) **AND**
  2. The employee reasonably believes disciplinary action may result **AND**
  3. The employee requests union representation

# Use of Official Time

5 USC 7131

- ▶ Internal union business shall be conducted during the non duty hours of the employees concerned
  - MUST approve for:                      Collective Bargaining                      FLRA Proceedings
  - MAY approve for:                      Other representational activities
  - MAY NOT approve for:                      Internal union business

Official Time Form...

# Additional Exercises...

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- ▶ Changing customer service area
- ▶ Creation of SOP to be utilized in work center
- ▶ Changes in work area



# Labor Relations Bottom Line

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Read the CBA &  
Call me if you have questions!  
Anya Davis  
422-3340